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भारत का राजपत्र
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No. 30] NEW DELHI, JULY 17—JULY 23, 2005 SATURDAY/ASADHA 26—SRAVANA 1, 1927

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं

Statutory Orders and Notifications Issued by the Ministries of the Government of India (Other than the Ministry of Defence)

वित्त मंत्रालय

(राजस्व विभाग)

आदेश

नई दिल्ली, 15 जून, 2005

स्टाम्प

का.आ. 2542.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा पावर फाइनेंस कारपोरेशन, नई दिल्ली को मात्र चौदह लाख, चार हजार पांच सौ चौरानवे रूपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त निगम द्वारा जारी किए जाने वाले निम्नलिखित पर स्टाम्प शुल्क के कारण प्रभार्य है :—

(i) मात्र चौदह करोड़ उन्तालीस लाख नब्बे हजार रुपए के समग्र मूल्य के प्रत्येक दस-दस हजार रुपए के 00079011 से 00093409 तक की विशिष्ट संख्या वाले ऋण पत्रों के स्वरूप वाले 6.00% असुरक्षित, विमोच्य, गैर-परिवर्तनीय, संचयी कराधेय अवसंरचना बंधपत्र (श्रृंखला-I);

(ii) मात्र आठ करोड़ अस्सी लाख सत्तर हजार रुपए के समग्र मूल्य के प्रत्येक दस-दस हजार रुपए के 00070204 से 00079010 तक की विशिष्ट संख्या वाले ऋण पत्रों के स्वरूप वाले 6.00% असुरक्षित, विमोच्य, गैर-परिवर्तनीय, संचयी कराधेय अवसंरचना बंधपत्र (श्रृंखला-I);

(iii) मात्र आठ करोड़ पैंतालीस लाख अस्सी हजार रुपए के समग्र मूल्य के प्रत्येक दस-दस हजार रुपए के 00030891 से 00039348 तक की विशिष्ट संख्या वाले ऋण पत्रों के स्वरूप वाले 6.00% असुरक्षित, विमोच्य, गैर-परिवर्तनीय, संचयी कराधेय अवसंरचना बंधपत्र (श्रृंखला-I);

(iv) मात्र चार करोड़ चौंसठ लाख अस्सी हजार रुपए के समग्र मूल्य के प्रत्येक दस-दस हजार रुपए के 00026243 से 00030890 तक की विशिष्ट संख्या वाले ऋण पत्रों के स्वरूप वाले 6.00% असुरक्षित,

विमोच्य, गैर-परिवर्तनीय, संचयी कराधेय अवसंरचना बंधपत्र शृंखला-I);

(v) मात्र बारह लाख साठ हजार रुपए के समग्र मूल्य के प्रत्येक दस-दस हजार रुपए के 00093419 से 00093544 तक की विशिष्ट संख्या वाले ऋण पत्रों के स्वरूप वाले 6.00% असुरक्षित, विमोच्य, गैर-परिवर्तनीय, संचयी कराधेय अवसंरचना बंधपत्र शृंखला-I);

(vi) मात्र एक लाख पचास हजार रुपए के समग्र मूल्य के प्रत्येक दस-दस हजार रुपए के 00039352 से 00039366 तक की विशिष्ट संख्या वाले ऋण पत्रों के स्वरूप वाले 6.00% असुरक्षित, विमोच्य, गैर-परिवर्तनीय, संचयी कराधेय अवसंरचना बंधपत्र (शृंखला-I);

(vii) मात्र इक्कीस लाख बीस हजार रुपए के समग्र मूल्य के प्रत्येक दस-दस हजार रुपए के 00093410 से 00093418 और 00093545 से 00093747 तक की विशिष्ट संख्या वाले ऋण पत्रों के स्वरूप वाले 6.00% असुरक्षित, विमोच्य, गैर-परिवर्तनीय, संचयी कराधेय अवसंरचना बंधपत्र (शृंखला-I);

(viii) मात्र तीन लाख साठ हजार रुपए के समग्र मूल्य के प्रत्येक दस-दस हजार रुपए के 00039349 से 00039351 से 00039367 से 00039399 तक की विशिष्ट संख्या वाले ऋण पत्रों के स्वरूप वाले 6.00% असुरक्षित, विमोच्य, गैर-परिवर्तनीय, संचयी कराधेय अवसंरचना बंधपत्र (शृंखला-I);

(ix) मात्र चौहत्तर लाख बीस हजार रुपए के समग्र मूल्य के प्रत्येक दस-दस हजार रुपए के 00093748 से 00094489 तक की विशिष्ट संख्या वाले ऋण पत्रों के स्वरूप वाले 6.00% असुरक्षित, विमोच्य, गैर-परिवर्तनीय, संचयी कराधेय अवसंरचना बंधपत्र (शृंखला-I); और

(x) मात्र इक्यावन लाख नब्बे हजार रुपए के समग्र मूल्य के प्रत्येक दस-दस हजार रुपए के 00039400 से 00039918 तक की विशिष्ट संख्या वाले ऋण पत्रों के स्वरूप वाले 6.00% असुरक्षित, विमोच्य, गैर-परिवर्तनीय, संचयी कराधेय अवसंरचना बंधपत्र (शृंखला-I)।

[सं. 24/2005-स्टाम्प/फा.सं. 33/29/2005-एस टी]

आर. जी. छाबड़ा, अवर सचिव

MINISTRY OF FINANCE

(Department of Revenue)

ORDER

New Delhi, the 1[illegible] June, 2005

STAMPS

S.O. 2542.—In exercise of the powers conferred by clause (b) of Sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits Power Finance Corporation Limited, New Delhi to pay consolidated stamp duty of rupees fourteen lakh four thousand five hundred ninety four only chargeable on account of the stamp duty on :—

(i) 6.00% unsecured, redeemable, non-convertible, cumulative taxable infrastructure Bonds in the nature of debentures (series-I) bearing distinctive numbers from 00079011 to 00093409of rupees ten thousand each aggregating to rupees fourteen crore thirty nine lakh ninety thousand only;

(ii) 6.00% unsecured, redeemable, non-convertible, cumulative taxable infrastructure Bonds in the nature of debentures (series-I) bearing distinctive numbers from 00070204 to 00079010 of rupees ten thousand each aggregating to rupees eight crore eightly lakh seventy thousand only;

(iii) 6.00% unsecured, redeemable, non-convertible, cumulative taxable infrastructure Bonds in the nature of debentures (series-I) bearing distinctive numbers from 00030891 to 00039348 of rupees ten thousand each aggregating to rupees eight crore forty five lakh eighty thousand only;

(iv) 6.00% unsecured, redeemable, non-convertible, cumulative taxable infrastructure Bonds in the nature of debentures (series-I) bearing distinctive numbers from 00026243 to 00030890 of rupees ten thousand each aggregating to rupees four crore sixty four lakh eighty thousand only;

(v) 6.00% unsecured, redeemable, non-convertible, cumulative taxable infrastructure Bonds in the nature of debentures (series-I) bearing distinctive numbers from 00093419 to 00093544 ofrupees ten thousand each aggregating to rupees twelve lakh sixty thousand only;

(vi) 6.00% unsecured, redeemable, non-convertible, cumulative taxable infrastructure Bonds in the nature of debentures (series-I) bearing distinctive numbers from 00039352 to 00039366 to rupees ten thousand each aggregating to rupees one lakh fifty thousand only;

(vii) 6.00% unsecured, redeemable, non-convertible, cumulative taxable infrastructure Bonds in the nature of debentures (series-I) bearing distinctive numbers from 00093410 to 00093418 and 000 93545 to 000 93747of rupees ten thousand each aggregating to rupees twenty one lakh twenty thousand only;

(viii) 6.00% unsecured, redeemable, non-convertible, cumulative taxable infrastructure Bonds in the nature of debentures (series-I) bearing distinctive numbers from 00039349 to 00039351 and 00039367 to 00039399 of rupees ten thousand each aggregating to rupees three lakh sixty thousand only;

(ix) 6.00% unsecured, redeemable, non-convertible, cumulative taxable infrastructure Bonds in the nature of debentures (series-I) bearing distinctive numbers from 00093748 to 00094489 of rupees ten thousand each aggregating to rupees seventy four lakh twenty thousand only; and.

(x) 6.00% unsecured, redeemable, non-convertible, cumulative taxable infrastructure Bonds in the nature of debentures (series-I) bearing distinctive numbers from

00039400 to 00039918 of rupees ten thousand each aggregating to rupees fifty one lakh ninety thousand only,

to be issued by the said Corporation.

[No. 24/2005-STAMP/F.No. 33/29/2005-ST]

R. G. CHHABRA, Under Secy.

आदेश

नई दिल्ली, 27 जून, 2005

स्टाम्प

का.आ. 2543.—भारतीय स्टाम्प अधिनियम, 1899 (1899 का 2) की धारा 9 की उप-धारा (1) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा यूनाइटेड बैंक आफ इंडिया, कोलकाता को मात्र एक करोड़ चार लाख चौवासीस हजार रुपए का समेकित स्टाम्प शुल्क अदा करने की अनुमति देती है, जो उक्त बैंक द्वारा जारी किए जाने वाले मात्र तीन सौ करोड़ रुपए के समग्र मूल्य के प्रामिसरी नोटों के स्वरूप के असुरक्षित विमोच्य गौण बंधपत्रों (श्रृंखला-II) पर स्टाम्प शुल्क के कारण प्रभार्य है।

[सं. 25/2005-स्टाम्प/फा.सं. 33/28/2005-एस टी]

आर. जी. छाबड़ा, अवर सचिव

ORDER

New Delhi, the 27th June, 2005

STAMPS

S.O. 2543.—In exercise of the powers conferred by clause (b) of sub-section (1) of Section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby permits United Bank of India, Kolkata to pay consolidated stamp duty of rupees one crore four lakh forty four thousand only chargeable on account of the stamp duty on unsecured redeemable subordinated Bonds (Series-II) in the nature of promissory notes aggregating to rupees three hundred crore only, to be issued by the said Bank.

[No. 25/2005-STAMP/F.No. 33/28/2005-ST]

R. G. CHHABRA, Under Secy.

आर्थिक कार्य विभाग

(बैंकिंग प्रभाग)

नई दिल्ली, 14 जुलाई, 2005

का.आ. 2544.—राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, वित्त मंत्रालय, आर्थिक कार्य विभाग, बैंकिंग प्रभाग के संयुक्त सचिव श्री अमिताभ वर्मा को तत्काल प्रभाव से और अगले आदेश होने तक श्री एन.एस. सिसोदिया के स्थान पर राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मंडल में निदेशक के रूप में नामित करती है।

[फा.सं. 9/11/2004-बी ओ-I]

जी. बी. सिंह, अवर सचिव

(Department of Economic Affairs)

(BANKING DIVISION)

New Delhi, the 14th July, 2005

S.O. 2544.—In exercise of the powers conferred by clause (d) of sub-section (1) of Section 6 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government, hereby nominates Shri Amitabh Verma, Joint Secretary, Ministry of Finance, Department of Economic Affairs, Banking Division, New Delhi as a Director on the Board of the National Bank for Agriculture and Rural Development (NABARD) with immediate effect and until further orders *vice* Shri N. S. Sisodia.

[F. No. 9/11/2004-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 14 जुलाई, 2005

का.आ. 2545.—भारतीय स्टेट बैंक अधिनियम, 1955 (1955 का 23) की धारा 19 के खंड (ङ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा श्री अशोक के. झा, सचिव, आर्थिक कार्य विभाग, वित्त मंत्रालय, नई दिल्ली को तत्काल प्रभाव से तथा अगला आदेश होने तक, श्री एन.एस. सिसोदिया के स्थान पर भारतीय स्टेट बैंक के केन्द्रीय बोर्ड में निदेशक के रूप में नामित करती है।

[फा.सं. 9/11/2004-बी ओ-I]

जी. बी. सिंह, अवर सचिव

New Delhi, the 14th July, 2005

S.O. 2545.—In exercise of the powers conferred by clause (e) of Section 19 of the State Bank of India Act, 1955 (23 of 1955), the Central Government, hereby nominates Shri Ashok K. Jha, Secretary, Department of Economic Affairs, Ministry of Finance, New Delhi as a Director on the Central Board of State Bank of India with immediate effect and until further orders *vice* Shri N.S. Sisodia.

[F.No. 9/11/2004-BO-I]

G. B. SINGH, Under Secy.

नई दिल्ली, 14 जुलाई, 2005

का.आ. 2546.—भारतीय रिजर्व बैंक अधिनियम, 1934 (1934 का 2) की धारा 8 की उपधारा (1) के खंड (घ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा श्री अशोक के. झा, सचिव, आर्थिक कार्य विभाग, वित्त मंत्रालय, नई दिल्ली को तत्काल प्रभाव से तथा अगला आदेश होने तक, डॉ. राकेश मोहन के स्थान पर भारतीय रिजर्व बैंक के केन्द्रीय बोर्ड में निदेशक के रूप में नामित करती है।

[फा.सं. 9/11/2004-बी ओ-I]

जी. बी. सिंह, अवर सचिव

New Delhi, the 14th July, 2005

S.O. 2546.—In exercise of the powers conferred by clause (d) of sub-section (1) of Section 8 of the Reserve Bank of India Act, 1934 (2 of 1934), the Central Government, hereby nominates Shri Ashok K. Jha, Secretary, Department of Economic Affairs, Ministry of Finance, to be a Director on the Central Board of the Reserve Bank of India with immediate effect and until further orders *vice* Dr. Rakesh Mohan.

[F.No. 9/11/2004-BO-I]

G. B. SINGH, Under Secy.

संचार और सूचना प्रौद्योगिकी मंत्रालय

दूरसंचार विभाग

(राजभाषा अनुभाग)

नई दिल्ली, 12 जुलाई, 2005

का.आ. 2547.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम 1976 (यथा संशोधित 1987) के नियम 10(4) के अनुसरण में संचार और सूचना प्रौद्योगिकी मंत्रालय, दूरसंचार विभाग के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों को, जिसमें 80 प्रतिशत से अधिक कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्द्वारा अधिसूचित करती है।

मुख्य महाप्रबंधक दूरसंचार उ.प्र. (प.) परिमण्डल, मेरठ

1. महाप्रबंधक दूरसंचार जिला, मथुरा
2. महाप्रबंधक दूरसंचार जिला, सहारनपुर
3. महाप्रबंधक दूरसंचार जिला, मेरठ
4. महाप्रबंधक दूरसंचार जिला, अलीगढ़
5. महाप्रबंधक दूरसंचार जिला, बुलन्दशहर
6. महाप्रबंधक दूरसंचार जिला, बिजनौर
7. महाप्रबंधक दूरसंचार जिला, बरेली
8. महाप्रबंधक दूरसंचार जिला, मुजफ्फरनगर
9. दूरसंचार जिला प्रबंधक, पीलीभीत
10. दूरसंचार जिला प्रबंधक, रामपुर
11. दूरसंचार जिला प्रबंधक, एटा
12. दूरसंचार जिला प्रबंधक, बदायूँ
13. मुख्य अभियंता (सिविल) उ.प्र. (प.) सिविल जोन, मेरठ
14. मुख्य अभियंता (विद्युत) उ.प्र. (प.) विद्युत जोन, मेरठ

[सं. ई.-11016/1/2005-(रा.भा.)]

हरीश चन्द्र जयाल, संयुक्त सचिव

MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Telecommunications)

(O. L. SECTION)

New Delhi, the 12th July, 2005

S.O. 2547.—In pursuance of rule 10(4) of the Official Language (Use for official purposes of the Union), rules, 1976 (as amended-1987), the Central Government hereby notifies the following Offices under the administrative control of Ministry of Communications and Information Technology, Department of Telecommunications whereof more than 80% of staff have acquired working knowledge of Hindi.

Chief General Manager Telecom., U.P. (West) Circle, Meerut

1. General Manager Telecom. Distt., Mathura
2. General Manager Telecom. Distt., Saharanpur
3. General Manager Telecom. Distt., Meerut
4. General Manager Telecom. Distt., Aligarh
5. General Manager Telecom. Distt., Bulandshar
6. General Manager Telecom. Distt., Bijnor
7. General Manager Telecom. Distt., Bareilly
8. Telecom. Distt. Manager, Muzaffarnagar
9. Telecom. Distt. Manager, Pillibhit
10. Telecom. Distt. Manager, Rampur
11. Telecom. Distt. Manager, Etah
12. Telecom. Distt. Manager, Budaun
13. Chief Engineer (Civil) U.P. (W.) Civil Zone, Meerut
14. Chief Engineer (Electric) U.P. (W.) Electric Zone, Meerut

[No. E-11016/1/2005 (O.L.)]

HARISH CHANDRA JAYAL, Jt. Secy.

(डाक विभाग)

(भवन शाखा)

शुद्धि पत्र

नई दिल्ली, 15 जुलाई, 2005

का.आ. 2548.—डाक विभाग में सम्पदा अधिकारियों के तौर पर कार्य करने के लिए नियुक्त केन्द्रीय सरकार के राजपत्रित अधिकारियों

के संबंध में भारत के राजपत्र के भाग II-3(ii) में दिनांक 11-9-1993 को प्रकाशित अधिसूचना और सं. का. आ. 184 दिनांक 19-9-98 के साथ प्रकाशित अधिसूचना के जरिए जारी संशोधन में मध्य प्रदेश सर्किल (मध्य प्रदेश सर्किल का दो पृथक सर्किलों नामत: मध्य प्रदेश सर्किल और छत्तीसगढ़ सर्किल में द्विभाजन होने की वजह से) और राजस्थान सर्किल के संबंध में आगे निम्नलिखित परिवर्तन किए जाएं :—

क्र. सं.	डाक सर्किल का नाम	अधिकारी का पदनाम	क्षेत्रीय अधिकारिता	टिप्पणी
1.	छत्तीसगढ़	सहायक निदेशक (III), मुख्य पोस्ट-मास्टर जनरल, छत्तीसगढ़ सर्किल का कार्यालय, रायपुर	छत्तीसगढ़	मध्य प्रदेश सर्किल के सम्मुख दर्ज अधोलिखित प्रविष्टि हटा दी जाती है:— "सहायक निदेशक (मेल), पोस्टमास्टर जनरल का कार्यालय, रायपुर"
2.	राजस्थान	सहायक निदेशक, डाक सेवा-I, पोस्ट-मास्टर जनरल, राजस्थान पश्चिमी क्षेत्र का कार्यालय, जोधपुर	राजस्थान पश्चिमी क्षेत्र	

[सं. 2-119/90-भवन]

राजेन्द्र कुमार, सहायक महानिदेशक

(Department of Posts)

(BUILDING BRANCH)

CORRIGENDUM

New Delhi, the 15th July, 2005

S.O. 2548.—In the Notification published in the Gazette of India in Part-II 3(ii) dated 11-9-1993 in respect of the Central Govt. Gazetted Officers appointed to act as Estate Officers in the Department of Posts and amendment issued *vide* Notification published with No. S.O. 184 dated 19-9-98, the following further changes may be made in respect of Madhya Pradesh Circle (Due to bifurcation of Madhya Pradesh Circle into two separate Circles namely Madhya Pradesh Circle and Chhattisgarh Circle) and Rajasthan Circle :—

S. No.	Name of Postal Circle	Designation of the Officer	Territorial Jurisdiction	Remarks
1.	Chhattisgarh	Assistant Director (III), O/o Chief Postmaster General, Chhatisgarh Circle, Raipur	Chhattisgarh	Under-noted entry against Madhya Pradesh Circle is deleted : "Assistant Director (Mails), O/o Postmaster General, Raipur
2.	Rajasthan	Assistant Director Postal Services-I, O/o Post-master General, Rajasthan Western Region, Jodhpur	Rajasthan Western Region	

[No.2-119/90-Bldg.]

RAJINDER KUMAR, Asstt. Director Genl.

वस्त्र मंत्रालय

नई दिल्ली, 7 जुलाई, 2005

का.आ. 2549.—केन्द्रीय सरकार, (संघ के शासकीय प्रयोजनों के प्रयोग के लिए) राजभाषा नियम, 1976 के नियम 10 के उपनियम 4 के अनुसरण में, वस्त्र मंत्रालय के अंतर्गत आने वाले निम्नलिखित कार्यालयों को जिनमें 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है :

1. बुनियादी बीज गुणन एवं प्रशिक्षण केन्द्र,
   बुनियादी तसर रेशमकीट बीज संगठन,
   केन्द्रीय रेशम बोर्ड,
   सं. 3-84/1, II तल,
   एफ. आर. ओ. कार्यालय के सामने,
   नरसापुर-502 313 (आंध्र प्रदेश)
2. अनुसंधान विस्तार केन्द्र,
   केरेअवप्रसं, केन्द्रीय रेशम बोर्ड,
   मार्फत बारामती अग्रिकल्चरल डेवलपमेंट ट्रस्ट,
   पो. बा. सं. 35, शारदा नगर,
   मेलगेन कॉलोनी,
   बारामती-413 115 (महाराष्ट्र)

3. अनुसंधान विस्तार केन्द्र, उप एकक,
केरेअवप्रसं, केन्द्रीय रेशम बोर्ड,
ऋषभ कॉम्पलेक्स, पहला तल,
महाजन कॉलोनी एन-2 सीआईडीसीओ,
औरंगाबाद (महाराष्ट्र)

4. भारतीय कपास निगम लिमिटेड,
चंद्रमौली बिल्डिंग, प्लॉट नं. 27,
सम्राट नगर, वीर सावरकर चौक,
औरंगाबाद-431005 (महाराष्ट्र)

5. भारतीय कपास निगम लिमिटेड,
डोअर संख्या-4-2-198 ए-ई,
शांता भवन, सिनेमा रोड,
आदिलाबाद-504 001

6. भारतीय कपास निगम लिमिटेड,
बालाजी कॉम्पलेक्स, 2री मंजिल,
गुड्स शेड रोड, स्टेशन एरिया,
रायचूर-584101 (कर्नाटक)

7. भारतीय कपास निगम लिमिटेड,
शाकाम्बरी प्लाझा, पहली मंजिल,
मूर्तीजापुर रोड, नेशनल हाइवे नं. 6,
अकोला-444001 (महाराष्ट्र)।

[सं. ई-11016/1/2005-हिन्दी]

बसंत प्रताप सिंह, संयुक्त सचिव

MINISTRY OF TEXTILES

New Delhi, the 7th July, 2005

S.O. 2549.—In pursuance of Sub-Rule 4 of rule 10 of the Official Language (Use for official purposes of the Union), Rules, 1976 the Central Government hereby notifies the following officers under the Ministry of Textiles, whereof more than 80% staff have acquired working knowledge of Hindi :

1. Basic Seed Multiplication and Training Center,
Basic Tasar Silkworm Seed Organisation,
Central Silk Board,
No. 3-84/1, II floor,
Opposite of FRO Office,
Narasapur-502313 (Andhra Pradesh)

2. Research Extension Center,
Central Silk Research and Training Institute,
Central Silk Board,
By Baramati Agricultural Development Trust,
Post Box No. 35, Sharda Nagar,
Melegan Colony,
Baramati-413115 (Maharashtra)

3. Research Extension Center, Sub-unit,
Central Silk Research and Training Institute,
Central Silk Board,
Rishabh Complex, First Floor,
Mahajan Colony, N-2, CIDCO,
Aurangabad (Maharashtra)

4. The Cotton Corporations of India Ltd.,
Chandramoli Building, Plot No. 27,
Samrat Nagar, Vir Savarkar Chowk,
Aurangabad-431005 (Maharashtra)

5. The Cotton Corporation of India Ltd.,
Door No. 4-2-198-A-E, Shanta Bhawan,
Cinema Road, Adilabad-504001

6. The Cotton Corporation of India Ltd.,
Balaji Complex, IInd Floor,
Goods Shed Road, Station Area,
Raichur-584101 (Karnataka)

7. The Cotton Corporation of India Ltd.,
Shakambaree Plaza, First Floor,
Moortijapur Road, National Highway No. 6,
Akola-444001 (Maharashtra)

[No. E-11016/1/2005-Hindi]

BASANT PRATAP SINGH, Jt. Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य विभाग)

नई दिल्ली, 5 जुलाई, 2005

का.आ. 2550.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा 2 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; नामत:

2. डा. एम.जी.आर. मेडिकल यूनिवर्सिटी, चेन्नई (तमिलनाडु) द्वारा श्री रामकृष्ण डेंटल कालेज एण्ड हास्पिटल, कोयम्बटूर को दंत चिकित्सा संबंधी मान्यता प्रदान किए जाने के संबंध में दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 56 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों के अंतर्गत निम्नलिखित प्रविष्टियां जोड़ी जाएंगी :

"XII श्री रामकृष्ण डेंटल कालेज एण्ड हास्पिटल, कोयम्बटूर

(i) बैचरल ऑफ डेंटल सर्जरी (जब यह दिनांक 18-2-2005 को अथवा इसके बाद प्रदान की गई हो)	बी. डी. एस., डा. एम. जी. आर. मेडिकल यूनिवर्सिटी, तमिलनाडु, चेन्नई"

[सं. वी-12017/31/99-पी. एम. एस.]

आस्था एस. खटवानी, निदेशक (एम.ई.)

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health)

New Delhi, the 5th July, 2005

S.O. 2550.—In exercise of the powers conferred by Sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :

2. In the existing entries of Column 2 and 3 against Serial No. 56, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental qualification in respect of Sri Ramakrishna Dental College and Hospital, Coimbatore awarded by Dr. M.G.R. Medical University, Tamil Nadu, Chennai, the following entries shall be inserted thereunder :

"XII. **Sri Ramakrishna Dental College and Hospital, Coimbatore**

(i)	Bachelor of Dental Surgery (When granted on or after 18-02-2005).	BDS, Dr. M.G.R. Medical University Tamil Nadu, Chennai."

[No. V-12017/31/99-PMS]

AASTHA S. KHATWANI, Director (ME)

नई दिल्ली, 5 जुलाई, 2005

का.आ. 2551.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय दन्त चिकित्सा परिषद से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; नामत:

2. महाराष्ट्र यूनिवर्सिटी ऑफ हेल्थ साइंसेज, नासिक द्वारा येरला मेडिकल एंड रिसर्च सेंटर डेंटल कालेज एण्ड हास्पिटल, नवीं मुम्बई को दंत चिकित्सा संबंधी मान्यता प्रदान किए जाने के संबंध में दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 60 के सामने कालम 2 और 3 की मौजूदा प्रविष्टियों के अंतर्गत निम्नलिखित प्रविष्टियां जोड़ी जाएंगी :

"XIV. **येरला मेडिकल एंड रिसर्च सेंटर डेंटल कालेज एण्ड हास्पिटल, नवीं मुम्बई**

(i)	बैचरल ऑफ डेंटल सर्जरी (जब यह दिनांक 12-4-2005 को अथवा इसके बाद प्रदान की गई हो)।	बी डी एस महाराष्ट्र यूनिवर्सिटी ऑफ हेल्थ साइंसेज, नासिक।"

[सं. वी-12017/17/98-पी एम एस]

आस्था एस. खटवानी, निदेशक (एम.ई.)

New Delhi, the 5th July, 2005

S.O. 2551.—In exercise of the powers conferred by Sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :

2. In the existing entries of Column 2 and 3 against Serial No. 60, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental qualification in respect of Yerala Medical Trust and Research Centre's Dental College and Hospital, Navi Mumbai awarded by Maharashtra University of Health Sciences, Nashik, the following entries shall be inserted thereunder :

"XIV. **Yerala Medical Trust and Research Centre's Dental College and Hospital, Navi Mumbai**

(i)	Bachelor of Dental Surgery (When granted on or after 12-04-2005).	BDS, Maharashtra University of Health Sciences, Nashik."

[No. V-12017/17/98-PMS]

AASTHA S. KHATWANI, Director (ME)

(पी.एम.एस. अनुभाग)

नई दिल्ली, 15 जुलाई, 2005

का.आ. 2552.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय दन्त चिकित्सा परिषद से परामर्श करने के बाद, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; अर्थात्:

2. सी.वी.एस. कृष्णामूर्ति तेजा इंस्टीट्यूट ऑफ डेंटल साइंसेज एंड रिसर्च, तिरूपति के संबंध में एन.टी.आर. यूनिवर्सिटी ऑफ हैल्थ साइंसेज, विजयवाड़ा, आन्ध्र प्रदेश द्वारा प्रदत्त दन्त चिकित्सा अर्हता को मान्यता देने से संबंधित दन्त चिकित्सा अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 50 के सामने कालम 2 तथा 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अन्त:स्थापित की जाएंगी :

"III. **सी.वी.एस. कृष्णामूर्ति तेजा इंस्टीट्यूट ऑफ डेंटल साइंसेज एंड रिसर्च, तिरूपति**

(i)	बैचरल ऑफ डेंटल सर्जरी (यदि 02-11-2004 को अथवा इसके बाद प्रदान की गई हो)।	बी डी एस , एन.टी.आर. यूनिवर्सिटी ऑफ हेल्थ साइंसेज, विजयवाड़ा ।"

[फा. सं. वी-12017/34/99-पी एम एस]

आस्था एस. खटवानी, निदेशक (एम.ई.)

(P.M.S. SECTION)

New Delhi, the 15th July, 2005

S.O. 2552.—In exercise of the powers conferred by Sub-section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely :

2. In the existing entries of Column 2 and 3 against Serial No. 50, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of dental qualification in respect of C.V.S. Krishnamurthy Teja Institute of Dental Sciences and Research, Tirupati awarded by N.T.R. University of Health Sciences, Vijayawada, Andhra Pradesh, the following entries shall be inserted thereunder :

"III. **C.V.S. Krishnamurthy Teja Institute of Dental Sciences and Research, Tirupati**

(i)	Bachelor of Dental Surgery (When granted on or after 02-11-2004).	BDS, N.T.R. University of Health Sciences, Vijayawara."

[No. V-12017/34/99-PMS]
AASTHA S. KHATWANI, Director (ME)

नई दिल्ली, 15 जुलाई, 2005

का.आ. 2553.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के खंड (घ) के अनुसरण में महर्षि दयानंद विश्वविद्यालय ने 30-03-2005 से प्रो. (डा.) संजय तिवारी को भारतीय दंत चिकित्सा परिषद में निर्वाचित किया गया है; और

दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के खंड (ङ) के अनुसरण में महाराष्ट्र सरकार ने डा. राहुल हेगड़े, डेंटल सर्जन को दिनांक 20-05-2005 से भारतीय दंत चिकित्सा परिषद का सदस्य निर्वाचित किया है;

अत:, अब उपर्युक्त अधिनियम की धारा 6 की उप-धारा (1) के साथ पठित धारा 3 के अनुसण में केन्द्रीय सरकार एतद्द्वारा भारत सरकार, स्वास्थ्य और परिवार कल्याण मंत्रालय (स्वास्थ्य विभाग) की दिनांक 24 जनवरी, 1984 की अधिसूचना सं. का.आ. 430, में निम्नलिखित संशोधन करती है, अर्थात् :—

'दंत चिकित्सक अधिनियम, 1948 की धारा 3 (ङ) के अन्तर्गत निर्वाचित' शीर्षक के अंतर्गत क्रम सं. 18 के सामने निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी :

18.	प्रो. (डा.) संजय तिवारी	निर्वाचित	महर्षि दयानंद विश्वविद्यालय	30-03-2005

'दंत चिकित्सक अधिनियम, 1948 की धारा 3 (ङ) के अन्तर्गत मनोनीत' शीर्षक के अंतर्गत क्रम सं. 5 के सामने निम्नलिखित प्रविष्टि प्रतिस्थापित की जाएगी :

5	डा. राहुल हेगड़े	मनोनीत	महाराष्ट्र	20-05-2005

[सं. वी-12013/5/2003-पी एम एस]
ए. के. सिंह, अवर सचिव

New Delhi, the 15th July, 2005

S.O. 2553.—Whereas, in pursuance of clause (d) of Section 3 of the Dentists Act, 1948 (16 of 1948), Maharishi Dayanand University has elected Prof. (Dr.) Sanjay Tiwari to the Dental Council of India with effect from 30-03-2005; and

Whereas, in pursuance of clause (e) of Section 3 of the Dentists Act, 1948 (16 of 1948), the Maharashtra Government has nominated Dr. Rahul Hegde, Dental Surgeon to the Dental Council of India with effect from 20-05-2005;

Now, therefore in pursuance of Section 3 read with Sub-section (1) of Section 6 of the said Act, the Central Government hereby makes the following amendments in the notification of the Government of India, in the Ministry of Health and Family Welfare (Department of Health) No. S.O. 430 dated 24th January 84, namely:

'Against the serial No. 18 under the heading Elected u/s 3(d) of the Dentists Act, 1948', the entry mentioned below shall be substituted :

18.	Prof. (Dr.) Sanjay Tiwari	Elected	Maharishi Dayanand University	30-03-2005

Against the serial No. 5, under the heading 'Nominated u/s 3(e) of the Dentists Act, 1948', the following entry shall be substituted :

5	Dr. Rahul Hegde	Nominated	Maharashtra	20-05-2005

[No. V-12013/5/2003-PMS]
A. K. SINGH, Under Secy.

नई दिल्ली, 15 जुलाई, 2005

का. आ. 2554.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; नामत :—

2. बंगलौर यूनिवर्सिटी, बंगलौर के संबंध में दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 17 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों के नीचे निम्नलिखित प्रविष्टियां जोड़ी जाएंगी :—

"XXXVI. राजा राजेश्वरी डेंटल कालेज एवं हास्पिटल, बंगलौर

(i) बैचलर ऑफ डेंटल सर्जरी (जब यह दिनांक 24-09-1996 को अथवा इसके बाद प्रदान की गई हो।)	बीडीएस, बंगलौर यूनिवर्सिटी, बंगलौर"

3. और, राजीव गांधी यूनिवर्सिटी आफ हैल्थ साइंसेज, बंगलौर के संबंध में दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 49 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों के नीचे निम्नलिखित प्रविष्टियां जोड़ी जाएंगी:—

"XXXVII. राजा राजेश्वरी डेंटल कालेज एवं हास्पिटल, बंगलौर

(i) बैचलर आफ डेंटल सर्जरी (जब यह दिनांक 31-12-2001 को अथवा इसके बाद प्रदान की गई हो।)	बीडीएस, राजीव गांधी यूनिवर्सिटी आफ हैल्थ साइंसेज, बंगलौर"

[सं. वी.-12018/11/2002-पी एम एस]

आस्था एस. खटवानी, निदेशक (एमई)

New Delhi, the 15th July, 2005

S.O. 2554.—In exercise of the powers conferred by sub- section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against Serial No. 17 in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to Bangalore University, Bangalore the following entries shall be inserted there under :—

"XXXVI. Raja Rajeshwari Dental College & Hospital, Bangalore

(i) Bachelor of Dental Surgery (When granted on or after 24-9-1996.)	BDS, Bangalore University, Bangalore"

,3. And in the existing entries of column 2 & 3 against Serial No. 49 in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to Rajiv Gandhi University of Health Sciences, Bangalore the following entries shall be inserted thereunder :—

"XXXVII. Raja Rajeshwari Dental College & Hospital, Bangalore

(i) Bachelor of Dental Surgery (When granted on or after 31-12-2001.)	BDS, Rajiv Gandhi University of Health Sciences, Bangalore"

[No. V-12018/11/2002-PMS]

AASTHA S. KHATWANI, Director (ME)

नई दिल्ली, 15 जुलाई, 2005

का. आ. 2555.—दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय दन्त चिकित्सा परिषद् से परामर्श करने के बाद एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है; नामत :—

2. डा. बी. आर. अम्बेडकर यूनिवर्सिटी, आगरा (उत्तर प्रदेश) के संबंध में दन्त चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 58 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों के नीचे निम्नलिखित प्रविष्टियां जोड़ी जाएंगी:—

"डी जे कालेज ऑफ डेंटल साइंसिज एण्ड रिसर्च मोदी नगर (उत्तर प्रदेश)

बैचलर आफ डेंटल सर्जरी (जब यह दिनांक 06-07-2004 को अथवा इसके बाद प्रदान की गई हो।)	बीडीएस, डा बी. आर. अम्बेडकर यूनिवर्सिटी, आगरा"

[सं. वी.-12017/7/99-पी एम एस]

आस्था एस. खटवानी, निदेशक (एमई)

New Delhi, the 15th July, 2005

S.O. 2555.—In exercise of the powers conferred by sub- section (2) of Section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government after consultation with Dental Council of India, hereby makes the following amendments in Part-I of the Schedule to the said Act, namely :—

2. In the existing entries of column 2 & 3 against Serial No. 58 in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to Dr. B.R. Ambedkar University, Agra (U.P.) the following entries shall be inserted thereunder :—

" D. J. College of Dental Sciences & Research Modinagar (U.P.)

Bachelor of Dental Surgery (When granted on or after 06-07-2004.)	BDS. Dr. B. R. Ambedkar University, Agra"

[No. V-12017/7/99-PMS]

AASTHA S. KHATWANI, Director (ME)

जल संसाधन मंत्रालय

नई दिल्ली, 28 जून, 2005

का.आ. 2556.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में केन्द्रीय जल आयोग के निम्नलिखित कार्यालयों को, जिनके 80% कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1. यमुना बेसिन संगठन, कालिन्दी भवन, नई दिल्ली
2. योजना परिमंडल, फरीदाबाद
3. प्रबोधन निदेशालय, फरीदाबाद
4. ऊपरी यमुना मंडल, कालिन्दी भवन, नई दिल्ली
5. प्रबोधन निदेशालय, आगरा
6. जल विज्ञानीय प्रेक्षण परिमंडल, वाराणसी
7. जल विज्ञानीय प्रेक्षण परिमंडल, देराहदून
8. ऊपरी गंगा बेसिन संगठन, लखनऊ
9. नर्मदा बेसिन संगठन, भोपाल
10. हिमालयी गंगा मंडल, देराहदून
11. सिन्धु बेसिन चण्डीगढ़
12. प्रबोधन एवं मूल्यांकान निदेशालय, चण्डीगढ़
13. अन्वेषण परिमंडल, सिक्किम
14. निचली कृष्णा मंडल, हैदराबाद
15. सिक्किम अन्वेषण मंडल, तादोंग, सिक्किम
16. कृष्णा एवं गोदावरी बेसिन, हैदराबाद
17. निचली गोदावरी मंडल, हैदराबाद
18. चिनाव मंडल, जम्मू

[सं. 1/1/2005-हिन्दी]

राज कुमारी देव, संयुक्त निदेशक (रा०भा०)

MINISTRY OF WATER RESOURCES

New Delhi, the 28th June, 2005

S.O. 2556.—In pursuance of sub-Rule (4) of Rule (10) of the Official Language (Use for Official Purposes of

the Union) the Central Government hereby notifies the following offices of Central water Commission, the 80% staff whereof have required a working knowledge of Hindi:—

1. Yamuna Basin, Kalindi Bhawan, New Delhi
2. Planning Circle, Faridabad, Haryana.
3. Monitoring Directorate, Faridabad, Haryana.
4. Upper Yamuna Division, Kalindi Bhawan, New Delhi.
5. Monitoring Directorate, Agra, Uttar Pradesh.
6. Hydrological Observation Circle. Varanasi, Uttar Pradesh.
7. Hydrological Observation Circle, Dehradun.
8. Upper Ganga, Basin, Lucknow.
9. Narmada Basin, Bhopal, Madhya Pradesh
10. Himalayan Ganga Division, Dehradun.
11. Indus Basin, Chandigarh.
12. Monitoring and Apprasial Directorate, Chandigarh
13. Investigation Circle, Sikkim.
14. Lower Krishna Division, Hyderabad.
15. Sikkim Investigation Division, Tadong, Sikkim.
16. Krishna and Godavari Basin, Hyderabad.
17. Lower Godavari Divsion, Hyderabad.
18. Chenab Division, Jammu.

[No. 1/1/2005-Hindi]

RAJ KUMARI DAVE, Jt. Director (OL)

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(उपभोक्ता मामले विभाग)

(भारतीय मानक ब्यूरो)

नई दिल्ली, 13 जून, 2005

का.आ. 2557.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 1084 : 2005 वस्त्रादि—मनीला रस्सियां—विशिष्टि (पाँचवाँ पुनरीक्षण)	आई एस 1084 : 1994	—

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. टी एक्स डी/जी-25]

एम. एस. वर्मा, निदेशक एवं प्रमुख (टी एक्स डी)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 13 July, 2005

S.O. 2557.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 1084 : 2005 Textiles—Manila Ropes—Specification (Fifth Revision)	1084:1994	May 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. TXD/G-25]

M.S. VERMA, Director & Head (Textiles)

नई दिल्ली, 1 जुलाई, 2005

का.आ. 2558.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 5290 : 1993	1 मई, 2005	31 मई, 2005

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सीईडी 22/राजपत्र]

सतीश कुमार जैन, वैज्ञानिक 'एफ' व प्रमुख (सिविल इंजीनियरी)

New Delhi, the 1st July, 2005

S.O. 2558.—In pursuance of clause (b) of sub-rule. (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and Year of the Indian Standard Established	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 5290 : 1993	1 May, 2005	31 May, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CED 22/Gazette]

S.K. JAIN, Sc 'F' and Head (Civil Engineering)

नई दिल्ली, 6 जुलाई, 2005

का.आ. 2559.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 6523 : 1983	संशोधन संख्या 1, जून 2005	30 जून 2005

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सीईडी 53/राजपत्र]

सतीश कुमार जैन, वैज्ञानिक 'एफ' व प्रमुख (सिविल इंजानियरी)

New Delhi, the 6th July, 2005

S.O. 2559.—In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 6523 : 1983	Amendment No. 1, June 2005	30 June 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CED 53/Gazette]

S.K. JAIN, Sc. 'F' & Head (Civil Engineering)

नई दिल्ली, 8 जुलाई, 2005

का.आ. 2560.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	1238 : 2005 हरीकेन लालटेन विशिष्टि—(पाँचवां पुनरीक्षण)	1238 : 1985 हरीकेन लालटेन विशिष्टि—(चौथा पुनरीक्षण)	1 जुलाई, 2005
2.	15558 : 2005 एल.पी.जी. के साथ उपयोग के लिए छोटे घरेलू वाटर हीटर—विशिष्टि	—	28 फरवरी, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एम.ई.डी./जी-2 : 1]

सी. के. वैदा, वैज्ञानिक 'एफ' व प्रमुख (एमई)

New Delhi, the 8th July, 2005

S.O. 2560.—In pursuance of clause (b) of sub-rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. & Year of the Indian Standards Established	No. & Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 1238 : 2005 Hurricane lanterns —Specification (Fifth Revision)	IS 1238 : 1985 Hurricane lanterns —Specification (Fourth Revision)	1 July 2005
2.	IS 15558 : 2005 Mini domestic water heater for use with LPG—Specification	—	28th February 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MED/G-2 : 1]

C.K. VEDA, Sc. 'F' & Head (ME)

नई दिल्ली, 8 जुलाई, 2005

का.आ. 2561.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक (कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 12933 (भाग 1) : 2003 सौर सपाट पटिटका संग्राहक—विशिष्टि भाग 1 अपेक्षाएं (दूसरा पुनरीक्षण)	संशोधन न. 1, जून 2005	1 जुलाई 2005
2.	आई एस 12933 (भाग 2) : 2003 सौर सपाट पटिटका संग्राहक—विशिष्टि भाग 2 घटक (दूसरा पुनरीक्षण)	संशोधन न. 1, जून 2005	1 जुलाई 2005
3.	आई एस 12933 (भाग 3) : 2003 सौर सपाट पटिटका संग्राहक—विशिष्टि भाग 3 मापन उपकरण (पहला पुनरीक्षण)	संशोधन न. 1, जून 2005	1 जुलाई 2005
4.	आई एस 12933 (भाग 5) : 2003 सौर सपाट पटिटका संग्राहक—विशिष्टि भाग 5 परीक्षण पद्वति (दूसरा पुनरीक्षण)	संशोधन न. 1, जून 2005	1 जुलाई 2005

इस संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एम.ई.डी./जी-2 : 1]

सी.के. वेदा, वैज्ञानिक 'एफ' व प्रमुख (एम ई)

New Delhi, the 8th July, 2005

S.O. 2561.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. and year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 12933 (Part 1) : 2003 Solar flat plate collector—Specification Part 1 Requirements (second revision)	Amendment No. 1, June 2005	1 July 2005
2.	IS 12933 (Part 2) : 2003 Solar flat plate collector—Specification Part 2 Components (second revision)	Amendment No. 1, June 2005	1 July 2005
3.	IS 12933 (Part 3) : 2003 Solar flat plate collector—Specification Part 3 Measuring Instruments (first revision)	Amendment No. 1, June 2005	1 July 2005
4.	IS 12933 (Part 5) : 2003 Solar flat plate collector—Specification Part 5 Test Methods (second revision)	Amendment No. 1, June 2005	1 July 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MED/G-2 : 1]

C.K. VEDA, Sc. 'F' & Head (ME)

नई दिल्ली, 8 जुलाई, 2005

का.आ. 2562.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3971 : 2005/आई एस ओ 445 : 1996 सामग्री प्रहस्तन के लिए पैलेट—शब्दावली (दूसरा पुनरीक्षण)	आई एस 3971 : 1976	28 फरवरी 2005

(1)	(2)	(3)	(4)
2.	आई एस 13460 : 2005/आई एस ओ 3732 : 2003 सड़क वाहन-खींचने और खिंचने वाले वाहनों के बिजली कनेक्शन के लिए कनेक्टर-12 वोल्ट की अभिहित आपूर्ति वोल्टेज के वाहनों के लिए 7-पोल कनेक्टर टाइप 12 एस (प्राथमिक) (पहला पुनरीक्षण)	आई एस 13460 : 1992	30 अप्रैल 2005
3.	आई एस 13461 : 2005/आई एस ओ 1724 : 2003 सड़क वाहन-खींचने और खिंचने वाले वाहनों के बिजली कनेक्शन के लिए कनेक्टर-12 वोल्ट की अभिहित आपूर्ति वोल्टेज के वाहनों के लिए 7-पोल कनेक्टर टाइप 12 एन (सामान्य) (पहला पुनरीक्षण)	आई एस 13461 : 1992	30 अप्रैल 2005
4.	आई एस 13499 : 2005/आई एस ओ 3731 : 2003 सड़क वाहन-खींचने और खिंचने वाले वाहनों के बिजली कनेक्शन के लिए कनेक्टर-24 वोल्ट की अभिहित आपूर्ति वोल्टेज के वाहनों के लिए 7-पोल कनेक्टर टाइप 24 एस (प्राथमिक) (पहला पुनरीक्षण)	आई एस 13499 : 1992	30 अप्रैल 2005
5.	आई एस 13531 : 2005 स्वचल टायर-मोल्ड क्योर प्रक्रिया के लिए टायर-रिट्रीडिंग सामग्रियां (पहला पुनरीक्षण)	आई एस 13531 : 1992	28 फरवरी 2005
6.	आई एस 15547 : 2005 स्वचल वाहन-चार पहिये वाले वाहनों के लिए प्लास्टिक की ईंधन टंकी	आई एस 15547 : 2005	28 फरवरी 2005
7.	आई एस 15563 : 2005/आई एस ओ 17269 : 2000 यात्री कार टायर-रोलिंग परिधि को मापने की पद्धतियां-भारित नए टायर	आई एस 15563 : 2005	28 फरवरी 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पुणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. टीईडी/जी-16]

जे.ए. सिद्दिकी, निदेशक (परिवहन इंजीनियरिंग विभाग)

New Delhi, the 8th July, 2005

S.O. 2562.—In pursuance of clause (b) of sub-rule (1) of Rule (7) of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No., year and title of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 3971:2005/ISO 445:1996 Pallets for materials handling-Vocabulary (second revision)	IS 3971 : 1976	28 Feb 2005
2.	IS 13460 : 2005/ISO 3732 : 2003 Road Vehicles-Connectors for the electrical connection of towing and towed vehicles-7-pole connector type 12 S (Supplementary) for vehicles with 12 V nominal supply voltage (first revision)	IS 13460 : 1992	30 April 2005

(1)	(2)	(3)	(4)
3.	IS 13461 : 2005/ISO 1724 : 2003, Road Vehicles —Connectors for the electrical connection of towing and towed vehicles—7-pole connector type 12 N (Normal) for vehicles with 12 Nominal supply voltage (First Revision)	IS 13461 : 1992	30 April, 2005
4.	IS 13499 : 2005/ISO 3731 : 2003, Road Vehicles—Connectors for the electrical connection of towing and towed vehicles—7-pole connector type 24 S (Supplementary) for vehicles with 24 V Nominal supply voltage (First Revision)	IS 13499 : 1992	30 April, 2005
5.	IS 13531 : 2005, Automotive Tyres—Tyre-retreading materials for mould cure process (First Revision)	IS 13531 : 1992	28 Feb., 2005
6.	IS 15547 : 2005, Automotive vehicles —Plastic fuel tank for four wheelers	IS 15547 : 2005	28 Feb., 2005
7.	IS 15563 : 2005/ISO 17269 : 2000 Passenger car tyres—Methods for measuring rolling circ mference—Loaded new tyres	IS 15563 : 2005	28 Feb., 2005

[No. TED/G-16]

J. A. SIDDIQI, Director (TED)

नई दिल्ली, 8 जुलाई, 2005

का.आ. 2563.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक(कों) की संख्या और वर्ष और शीर्षक	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 13568 रु. 1992, मोटर-साइकिल और ऐसे ही वाहनों में ए सी सर्किट से जुड़ी सीसा अम्ल वाली हल्के भार वाली संचायक बैटरियाँ—विशिष्टि	1, मई 2005	30 जुलाई, 2005

इस भारतीय संशोधन की प्रतियां भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों: नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, नागपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. ईटी 11/टी-55]

पी. के. मुखर्जी, वैज्ञा.-'एफ' एवं प्रमुख (विद्युत तकनीकी)

New Delhi, the 8th July, 2005

S.O. 2563.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. and year of the Indian Standards	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 13568 : 1992, Lead acid light weight storage batteries for motor cycles and similar vehicles fitted with AC circuitry - Specification	May 1, 2005	30 July, 2005

Copy of this Amendment is available with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. ET11/T-55]

P. K. MUKHERJEE, Sc. 'F' & Head (Elec. Technical)

नई दिल्ली, 18 जुलाई, 2005

का.आ. 2564.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं।

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक(कों) की संख्या वर्षऔर शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1	आइएस 10551 : 2005 काँच की भट्टी के प्रयोजनों के लिए जिरकॉन म्यूलाइट की अग्निसह सामग्रियाँ-विशिष्टि (पहला पुनरीक्षण)	10551 : 1983	31 मई 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[संदर्भ : एमटीडी 15/टी-87]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 18th July, 2005

S.O. 2564.—In pursuance of clause (b) of sub-rule (1) of Rule (1) of Rules 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each:

SCHEDULE

Sl. No.	No. & year of the Indian Standards Established	No. and year of Indian Standards if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 10551 : 2005 Zircon Mulllite Refractories for Glass Furnace Applications-Specification (First Revision)	IS 10551 : 1983	31 May 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices: New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[Ref: MTD 15/T-87]

S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 15 जुलाई, 2005

का.आ. 2565.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि नीचे अनुसूची में दिये गये मानक(कों) में संशोधन किया गया/किये गये हैं :—

अनुसूची

क्रम संख्या	संशोधित भारतीय मानक की संख्या और वर्ष	संशोधन की संख्या और तिथि	संशोधन लागू होने की तिथि
(1)	(2)	(3)	(4)
1.	आई एस 3149 : 1994 घरेलू व्यवहार के लिए इनेमिल बर्तन-विशिष्टि (दूसरा पुनरीक्षण)	संशोधन की संख्या 1, जून 2005	30 जून, 2005

इन संशोधनों की प्रतियां भारतीय मानक ब्यूरो, मानक भावन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों :अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सी एच डी 9/आई एस 3149]

डा. यू. सी. श्रीवास्तव, वैज्ञा. ई, निदेशक एवं प्रमुख (रसायन)

New Delhi, the 15th July, 2005

S.O. 2565.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that amendments to the Indian Standards, particulars of which given in the Schedule hereto annexed have been issued :

SCHEDULE

Sl. No.	No. & title of the Indian Standards	No. & year of the amendment	Date from which the amendment shall have effect
(1)	(2)	(3)	(4)
1.	IS 3149 : 1994 Enamelware for home use-Specification (Second revision)	Amendment No. 1, June 2005	30 June 2005

Copy to these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CHD 9/IS 3149]

Dr .U. C. SRIVASTAVA, Sc.-'E'. Director & Head (Chemical)

नई दिल्ली, 15 जुलाई, 2005

का.आ. 2566.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए है :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या, वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15576 : 2005 निर्यात की चाय हेतु बहुपरतीय कागज के थैले —विशिष्टि	—	30 अप्रैल, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110 002, क्षेत्रीय कार्यालयों, नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. सी एच डी 15/आई एस 15576]

डा. यू. सी. श्रीवास्तव, वैज्ञा. 'ई', निदेशक एवं प्रमुख (रसायन)

New Delhi, the 15th July, 2005

S.O. 2566.—In pursuance of clause (b) of sub-rule (1) of Rules (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which given in the Schedule hereto annexed have been established on the date indicated against each.

SCHEDULE

Sl. No.	No. and title of the Indian Standards Established	No. and year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15576 : 2005 Multiwall paper sacks for tea for export—Specification	——	30 April 2005

Copy to these Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. CHD15/IS 15576]

DR. U. C. SRIVASTAVA, Scientist.-'E'. Director & Head (Chemical)]

नई दिल्ली, 18 जुलाई, 2005

का.आ. 2567.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतदद्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 12279 : 2005/आइएसओ 3325 : 1996 कठोर धातुओं को छोड़कर सिंटरित धातु सामग्रियाँ –अनुप्रस्थ संविदारण सामर्थ्य ज्ञात करना (पहला पुनरीक्षण)	आई एस 12279:1988	31 मई, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयें :अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरुवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एम टी डी 25/टी-66]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 18th July, 2005

S.O. 2567.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standard	Date of Established
(1)	(2)	(3)	(4)
1.	IS 12279 : 2005/ISO 3325:1996 Sintered metal materials, excluding hardmetals-Determination of transverse rupture strength (First Revision)	IS 12279 : 1988	31 May 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 25/T-66]

S. K. GUPTA, SCIENTIST 'F' & Head (MTD)

नई दिल्ली, 18 जुलाई, 2005

का.आ. 2568.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) के खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्द्वारा अधिसूचित करता है कि जिन भारतीय मानकों के विवरण नीचे अनुसूची में दिए गए हैं वे स्थापित हो गए हैं :—

अनुसूची

क्रम संख्या	स्थापित भारतीय मानक (कों) की संख्या वर्ष और शीर्षक	नये भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हो, की संख्या और वर्ष	स्थापित तिथि
(1)	(2)	(3)	(4)
1.	आई एस 15574 : 2005/आइएसओ 5754 : 1978 कठोर धातुओं को छोड़कर सिंटरित धातु सामग्रियाँ-खाँचारहित संघट्ट परीक्षण खंड	—	31 मई, 2005

इस भारतीय मानक की प्रतियां भारतीय मानक ब्यूरो, मानक भवन 9, बहादुर शाह जफर मार्ग, नई दिल्ली-110002, क्षेत्रीय कार्यालयों, : नई दिल्ली, कोलकाता, चण्डीगढ़, चेन्नई, मुम्बई तथा शाखा कार्यालयों : अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बतूर, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, पटना, पूणे तथा तिरूवनन्तापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. एम टी डी 25/टी-66]

एस. के. गुप्ता, वैज्ञानिक 'एफ' एवं प्रमुख (एमटीडी)

New Delhi, the 18th July, 2005

S.O. 2568.—In pursuance of clause (b) of sub-rule (1) of Rule 7 of the Bureau of Indian Standards Rules, 1987, the Bureau of Indian Standards hereby notifies that the Indian Standards, particulars of which are given in the Schedule hereto annexed have been established on the date indicated against each :

SCHEDULE

Sl. No.	No. and Year of the Indian Standards Established	No. and Year of Indian Standards, if any, Superseded by the New Indian Standards	Date of Established
(1)	(2)	(3)	(4)
1.	IS 15574 : 2005/ISO 5754:1978 Sintered metal materials, excluding hardmetals-Unnotched impact test piece	—	31 May, 2005

Copy of this Standard is available for sale with the Bureau of Indian Standards, Manak Bhavan 9, Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Kolkata, Chandigarh, Chennai, Mumbai and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneshwar, Coimbatore, Guwahati, Hyderabad, Jaipur, Kanpur, Nagpur, Patna, Pune, Thiruvananthapuram.

[No. MTD 25/T-66]

S. K. GUPTA, Scientist 'F' & Head (MTD)

नई दिल्ली, 28 जून, 2005

का.आ. 2569.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स सनलौजिक ओटोमेशन (प्रा.) लिमिटेड, सं. 52, 5/डी, सरवासेरिआ ग्राहास अपार्टमेंट, गांधी स्ट्रीट, वेस्ट मामबलम, चेनई-600 033, तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस एल ए-पी" श्रृंखला के स्वत: सूचक, अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सैनलौजिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/262 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति (स्ट्रेन) गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 500 कि.ग्रा. और न्यूनतम क्षमता 2 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(252)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th June, 2005

S.O. 2569.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SLA-P" series of medium accuracy (Accuracy class-III) and with brand name "SENLOGIC" (herein referred to as the said Model), manufactured by M/s. Senlogic Automation (P) Limited, No. 52, 5/D, Sarvasrea Grahas Apartments, Gandhi Street, West Mambalam, Chennai-600 033, Tamil Nadu and which is assigned the approval mark IND/09/2004/262;

The said model is strain gauge type load cell based weighing instrument with a maximum capacity of 500kg and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emittimg Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model is be cover the weighing instrument of same series with maximum capacity above 50kg and up to 1000kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design, accuracy and with the same materials with which, the approved model has been manufactured.

[F. No. WM-21(252)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 28 जून, 2005

का.आ. 2570.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स सनलौजिक ओटोमेशन (प्रा.) लिमिटेड, सं. 52, 5/डी, सरवासेरिआ ग्राहास अपार्टमेंट, गांधी स्ट्रीट, वेस्ट मामबलम-चेनई-600 033, तमिलनाडु द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "एस एल ए-टी" श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "सेनलौजिक" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/261 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति (स्ट्रेन) गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

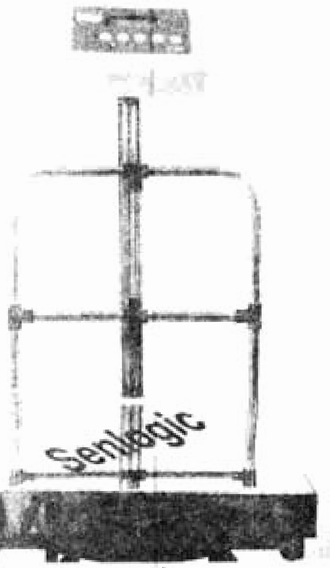
[फा.सं. डब्ल्यू. एम.-21(252)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 28th June, 2005

S.O. 2570.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the Model of the non-automatic (Table top type) weighing instrument with digital indication of "SLA-T" series of medium accuracy (Accuracy class-III) and with brand name "SENLOGIC" (herein referred to as the said Model), manufactured by M/s. Senlogic Automation (P) Limited, No. 52, 5/D, Sarvasrea Grahas Apartments, Gandhi Street, West Mambalam, Chennai-600 033, Tamil Nadu and which is assigned the approval mark IND/09/2004/261;



The said Model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with a 100 per cent subtractive retained tare effect. The light emittimg diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing is done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the rang of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance and with the same principle, design, accuracy and with the same materials with which, the said approved Model has been manufactured.

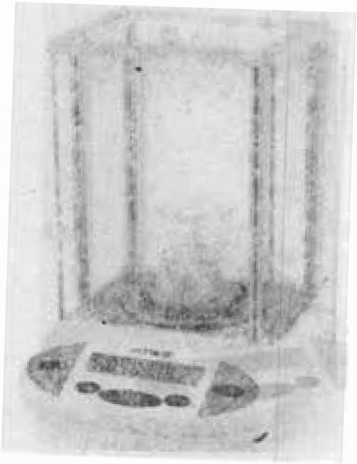
[F. No. WM-21(252)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 जुलाई, 2005

का.आ. 2571.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स साइटोरियस मैक्ट्रोनिक्स इण्डिया प्राइवेट लिमिटेड, 10, तीसरा फेज, पीनया छटवां मैन, के आई डी बी इण्डस्ट्रीयल एरिया, बंगलौर-560058 द्वारा विनिर्मित विशेष यथार्थता (यथार्थता वर्ग-I) वाले ''ए एल सी'' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''एक्यूलेब'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/20 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त माडल एकाश्म तकनीकी पर आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 210 ग्रा. और न्यूनतम क्षमता 100 मि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित-आधेयतुलन प्रभाव है। द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अन्तर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक ''ई'' मान के लिए 50,000 और उससे अधिक की रेंज में सत्यापन मापमान अंतराल (एन) 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और 'ई' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(224)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st July, 2005

S.O. 2571.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instrument with digital indication of "ALC" series of special accuracy (Accuracy class-I) and with brand name "ACCULAB" (herein referred to as the said Model), manufactured by M/s. Sartorious Mechatronics India Private Limited, 10, 3rd Phase, Peenya, 6th Main, KIADB Industrial Area, Banglore-560058 and which is assigned the approval mark IND/09/2005/20;

The said model is a monolithic technology based non-automatic weighing instrument (Table top type) with a maximum capacity of 210g and minimum capacity of 100mg. The verification scale interval (e) is 1mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto to 50kg with verification scale interval (n) in the range of 50,000 and above for 'e' value of 1mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(224)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 1 जुलाई, 2005

का.आ. 2572.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स साइटोरियस मैक्ट्रोनिक्स इण्डिया प्राइवेट लिमिटेड, 10, तीसरा फेस, पीनया, छटवां मैन, के आई डी बी इण्डस्ट्रीयल एरिया, बंगलौर-560058 द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले ''ए एल सी'' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबल टाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''एक्यूलेब'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/21 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल विद्युत-चुम्बकीय बाल क्षतिपुरण सिद्धान्त पर आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 210 ग्रा. और न्यूनतम क्षमता 200 मि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 मि. ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन करने के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत के उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक ''ई'' मान के लिए 100से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा.या उससे अधिक के ''ई'' मान के लिए 5000 से 50,000 तक के रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ''ई'' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(224)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 1st July, 2005

S.O. 2572.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instrument with digital indication of "ALC" series of high accuracy (Accuracy class-II) and with brand name "ACCULAB" (herein referred to as the said Model), manufactured by M/s. Sartorious Mechatronics India Private Limited, 10, 3rd Phase, Peenya, 6th Main, KIADB Industrial Area, Banglore-560058 and which is assigned the approval mark IND/09/2005/21;

The said model is a electromagnetic force compensation principle based non-automatic weighing instrument (Table top type) with a maximum capacity of 210g and minimum capacity of 200mg. The verification scale interval (e) is 10mg. It has a tare device with a 100 per cent subtractive retained tare effect. The Liquid Crystal Display (LCD) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(224)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जुलाई, 2005

का.आ. 2573.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कन-एल्ट फ्यूल सिस्टम, 104, गुप्ता टावर, कामर्शियल काम्पलेक्स, आजादपुर, दिल्ली-110033 द्वारा विनिर्मित "1322-डी" श्रृंखला के अंकक सूचन सहित इलैक्ट्रानिक-डिस्पेंसिंग पम्प के मॉडल का, जिसके ब्राण्ड का नाम "कन-एल्ट" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/536 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल अंकक सूचन सहित सकारात्मक विस्थापन मीटर वाला डिस्पेंसिंग पम्प है जिसमें समायोजन के लिए अंश शोधन पहिये का उपबंध है। इसका पेक्षण प्रवाह 40 लीटर प्रति मिनट है। इसमें धन और मात्रा के लिए एक पूर्व नियत युक्ति है। मात्रा छः अंक प्रदर्श पर उपदर्शित की जाती है और अधिकतम सम्भव प्रदर्श मूल्य 9999.99 रु. है और न्यूनतम मात्रा 10 मि. लीटर प्रदर्शित की जाती है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त कपटपूर्ण व्यवहारों को रोकने के लिए सज्जीकरण और इनपल्सर दोनों को भी सीलबंद किया जाएगा।

[फा.सं. डब्ल्यू. एम.-21(126)/2003]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th July, 2005

S.O. 2573.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of Electronic Dispensing pump with digital indication (herein referred to as the said model) of "1322-D" series with brand name "CON-ALT", manufactured by M/s Con-Alt Fuel Systems, 104, Gupta Tower, Commercial Complex, Azadpur, Delhi-110033 and which is assigned the approval mark IND/09/2004/536;

The said model is a dispensing pump with digital indication having a positive displacement meter provided with calibration wheel for adjustment. The maximum flow rate observed is 40 liter per minute. It has a preset device for money and volume. The display is of Liquid Crystal Display (LCD) type. The volume is indicated on a six digit display and maximum price display possible is Rs. 9999.99 and the minimum quantity is displayed is 10ml. The instrument operates on 230 Volts, 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done both in assembly and inpulser to prevent fradulent practices.

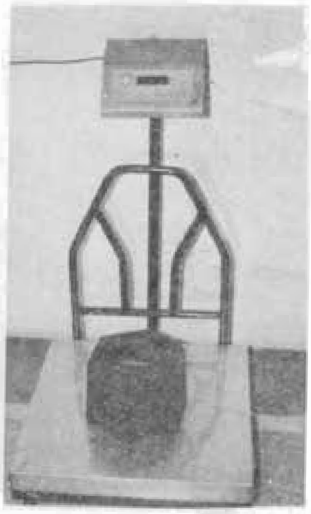
[F. No. WM-21(126)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जुलाई, 2005

का.आ. 2574.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स साउदर्न वेईंग इन्स्ट्रूमेंट्स प्राइवेट लिमिटेड, 'आशियाना' वसुंधरा नगर (एस), जी ई रोड, भिलाई-3, 490021 जिला दुर्ग, छत्तीसगढ़ द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले ''एस डब्ल्यू 002'' शृंखला के स्वत: सूचक, अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''स्वास्तिक'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/489 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का भार सेल आधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को सीलबन्द करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए भी सीलबंदी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के ''ई'' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 500 कि. ग्रा. तक की अधिकतम क्षमता वाले वाले हैं और ''ई'' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

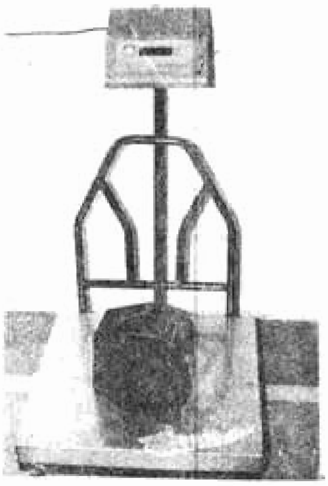
[फा.सं. डब्ल्यू. एम.-21(45)/2002]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th July, 2005

S.O. 2574.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "SW002" series of medium accuracy (Accuracy class-III) and with brand name "SWASTIC" (herein referred to as the said model), manufactured by M/s Southern Weighing Instruments Private Limited, "Ashiana" Vasundhara Nagar (S) G.E. Road Bhilai-3, 490 021, District : Drug, Chhattisgarh and which is assigned the approval mark IND/09/2004/489;



The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 100kg. and minimum capacity of 200g. The verification scale interval (e) is 10g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar makes, accuracy and performance of same series with maximum capacity upto 500kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principles, design, and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(45)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जुलाई, 2005

का.आ. 2575.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गोल्डफील्ड स्केल, बी-2, अंकिता बिल्डिंग, मधुराम हाल के पीछे, एच जे रोड, दहिसार (ईस्ट) मुम्बई-400068 (महाराष्ट्र) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले "जी एच एस" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटॉप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "गोल्डफील्ड" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/558 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि.ग्रा. से 50 मि.ग्रा. तक "ई" मान के लिए 100 से 1,00,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि.ग्रा. से 1000 या उससे अधिक के "ई" मान के लिए 5,000 से 1,00,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.21(64)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th July, 2005

S.O. 2575.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Table top type) with digital indication of "GHS" series of high accuracy (Accuracy class-II) and with brand name "GOLDFIELD" (hereinafter referred to as the said model), manufactured by M/s Goldfield Scale, B-2, Ankita Building, Opp. Madhuram Hall, H.J. Road, Dahisar (East) Mumbai-400068 (Maharashtra) and which is assigned the approval mark IND/09/2004/558;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100kg. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1mg to 50mg and with verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(64)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जुलाई, 2005

का.आ. 2576.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गोल्डफील्ड स्केल, बी-2, अंकिता बिल्डिंग, मधुराम हाल के पीछे, एच जे रोड, दहिसार (ईस्ट) मुंबई (महाराष्ट्र) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले ''जी एम एस'' श्रृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''गोल्डफील्ड'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/559 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (टेबल टाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. से 2 ग्रा. तक ''ई'' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 5 ग्रा. या उससे अधिक के ''ई'' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और ''ई'' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(64)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th July, 2005

S.O. 2576.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic weighing instrument (Table top type) with digital indication of "GMS" series of medium accuracy (Accuracy class-III) and with brand name "GOLDFIELD" (hereinafter referred to as the said model), manufactured by M/s. Goldfield Scale, B-2, Ankita Building, Opp. Madhuram Hall, H.J. Road, Dahisar (East) Mumbai-400 068 (Maharashtra) and which is assigned the approval mark IND/09/2004/559;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 30kg. and minimum capacity of 100g. The verification scale interval (e) is 5 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar makes, accuracy and performance of same series with maximum capacity up to 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2 g and with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(64)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जुलाई, 2005

का.आ. 2577.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गोल्डफील्ड स्केल, बी-2, अंकिता बिल्डिंग, मधुराम हाल के पीछे, एच जे रोड, दहिसार (ईस्ट) मुंबई (महाराष्ट्र) द्वारा विनिर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले ''जी एच एस'' शृंखला के अंकक सूचन सहित तोलन स्वत: सूचक, अस्वचालित उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''गोल्डफील्ड'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/560 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 600 कि.ग्रा. और न्यूनतम क्षमता 2.5 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि.ग्रा. या उससे अधिक के ''ई'' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और ''ई'' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(64)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th July, 2005

S.O. 2577.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "GHS" series of high accuracy (Accuracy class-II) and with brand name "GOLDFIELD" (hereinafter referred to as the said model), manufactured by M/s. Goldfield Scale, B-2, Ankita Building, Opp. Madhuram Hall, H J. Road, Dahisar (East) Mumbai-400068 (Maharastra) and which is assigned the approval mark IND/09/2004/560;

The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 600 kg. and minimum capacity of 2.5 kg. The verification scale interval (e) is 50 g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar makes, accuracy and performance of same series with maximum capacity above 50 kg and upto 1000 kg with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(64)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जुलाई, 2005

का.आ. 2578.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स गोल्डफील्ड स्केल, बी-2, अंकिता बिल्डिंग, मधुराम हाल के पीछे, एच जे रोड, दहिसार (ईस्ट) मुंबई (महाराष्ट्र) द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जी एम एस" श्रृंखला के अंकक सूचन सहित तोलन, स्वत:सूचक अस्वचालित उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "गोल्डफील्ड" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/561 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि. ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट को मुद्रांकित करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए मशीन को खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्राम या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 5000 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

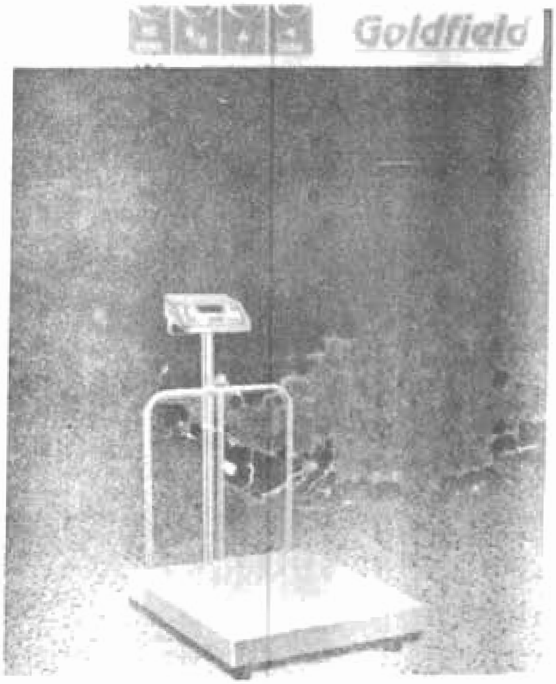
[फा.सं. डब्ल्यू. एम.-21(64)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th July, 2005

S.O. 2578.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Table-top type) weighing instrument with digital indication of "GMS" series of medium accuracy (Accuracy class-III) and with brand name "GOLDFIELD" (herein referred to as the said model), manufactured by M/s Goldfield Scale, B-2, Ankita Building, Opp. Madhuram Hall, H.J. Road, Dahisar (East) Mumbai-400068 (Maharastra) and which is assigned the approval mark IND/09/2004/561;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 1000 kg. and minimum capacity of 4 kg. The verification scale interval (e) is 200 g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instruments operates on 230 Volts and 50 Hertz alternative current power supply;

In addition to sealing the stamping plate, sealing shall also be done to prevent opening of the machine for fraudulent practices.

Further, in exercise of the power conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar makes, accuracy and performance of same series with maximum capacity above 50 kg and upto 5,000 kg. with verification scale interval (n) in the range of 500 to 10,000 for "e" value of 5 g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principal, design and with the same materials with which, the said approved model has been manufactured.

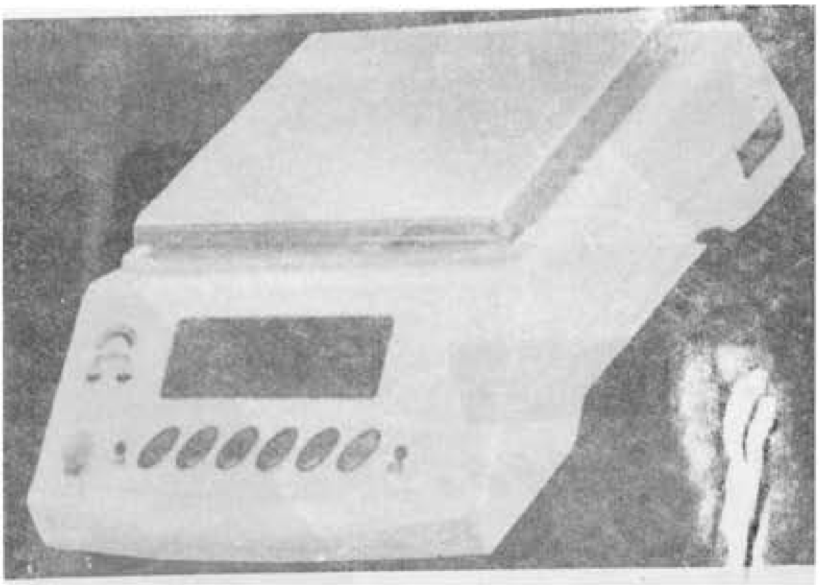
[F. No. WM-21(64)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जुलाई, 2005

का०आ० 2579.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रुद्राक्ष टेक्नालाजी, एस सं. 352, मंजरी (बी के), पुणे-412307 महाराष्ट्र द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले अंकक सूचन सहित तोलन, अस्वचालित उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''नक्षत्र'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/29 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल विकृत गेज प्रकार भार सेल सिद्धांत आधारित अस्वचालित (टेबलटॉप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 15 कि.ग्रा. और न्यूनतम क्षमता 50 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 1 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एलईडी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि. ग्रा. तक ''ई'' मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के ''ई'' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और ''ई'' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

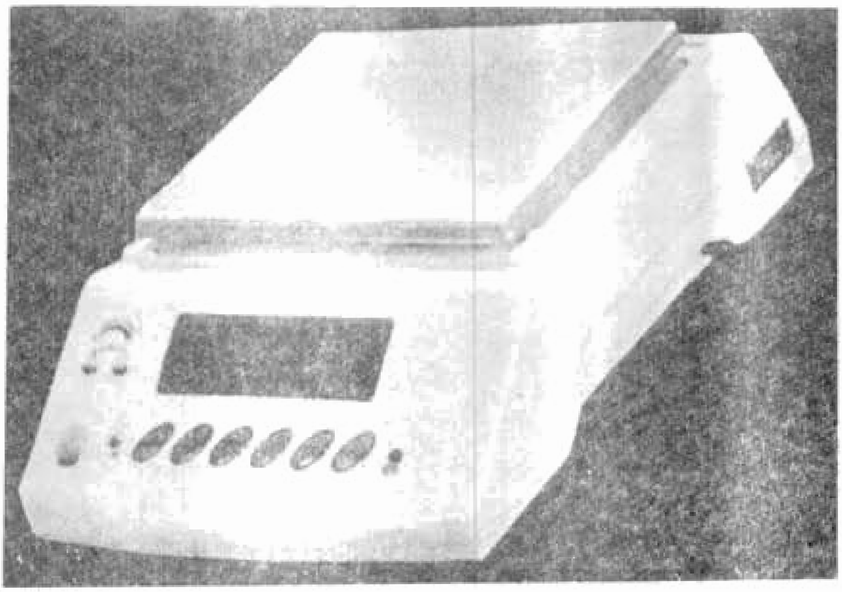
[फा.सं. डब्ल्यू एम-21(307)/2003]

पी० ए० कृष्णमूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th July, 2005

S.O. 2579.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Table top type) weighing instrument with digital indication of high accuracy (Accuracy class-II) and with brand name "NAKSHTRA" (herein referred to as the said Model), manufactured by M/s. Rudraksha Technologies, S. No. 352, Manjari (BK), Pune-412307, Maharashtra and which is assigned the approval mark IND/09/2005/29;



The said Model is a strain gauge load cell principle based non-automatic weighing instrument (Table top type) with a maximum capacity of 15kg. and minimum capacity of 50g. The verification scale interval (e) is 1g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 50,000 for 'e' value of 1 mg. to 50 mg and with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where K is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved Model has been manufactured.

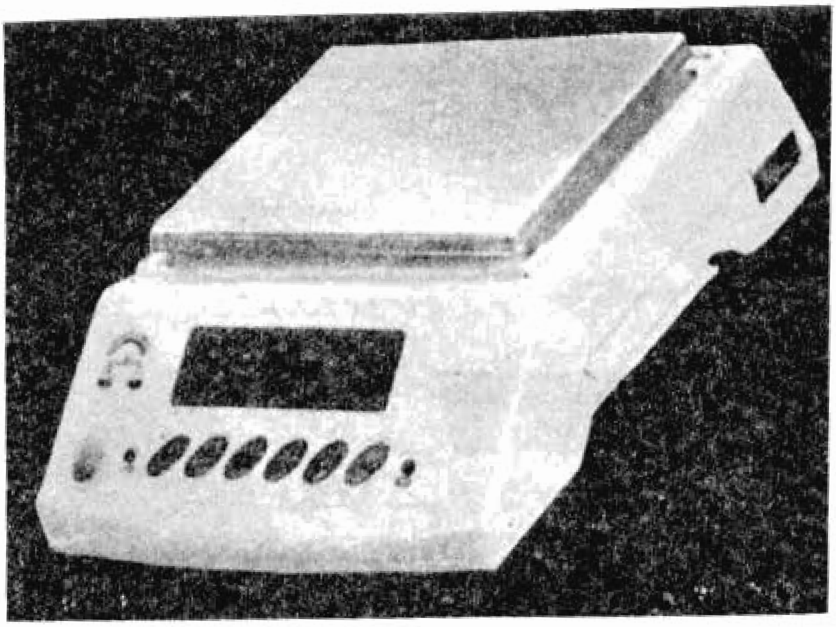
[F. No. WM-21(307)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जुलाई, 2005

का०आ० 2580.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रुद्राक्ष टेक्नालाजी, एस सं. 352, मंजरी (बी के), पुणे-412307 महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले अंकक सूचन सहित तोलन, अस्वचालित दोहरी रेंज उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "नक्षत्र" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/30 समनुदेशित किया गया है, अनुमोदन प्रमाण, पत्र जारी और प्रकाशित करती है।



उक्त मॉडल भार सेल आधारित दोहरी रेंज तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 40 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 15 कि.ग्रा. तक 2 ग्रा. और 15 कि. ग्रा. से 30 कि. ग्रा. तक 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

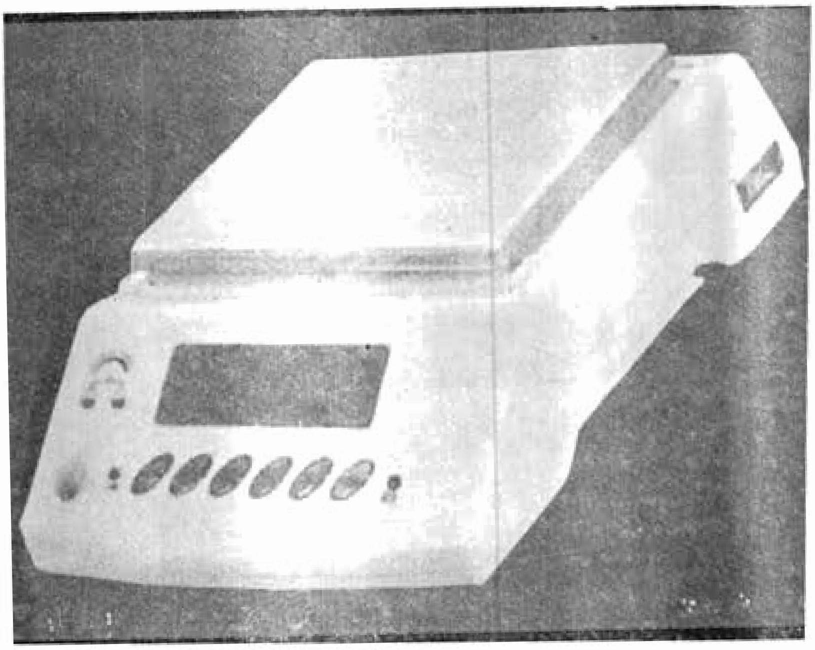
[फा.सं. डब्ल्यू एम-21(307)/2003]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th July, 2005

S.O. 2580.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of self indicating, non-automatic dual range (Table Top type) weighing instrument with digital indication of medium accuracy (Accuracy class-III) and with brand name "NAKSHTRA" (hereinafter referred to as the model), manufactured by M/s. Rudraksha Technologies, S. No. 352, Manjari (BK), Pune-412307, Maharashtra which is assigned the approval mark IND/09/2005/30;



The said model is a load cell based dual range weighing instrument with a maximum capacity of 30kg. and minimum capacity of 40g. The verification scale interval (e) is 2g upto 15 kg and 5g above 15 kg and upto 30kg. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

Further, in exercise of the powers conferred by Sub-section (12) of the said Section, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with the number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(307)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जुलाई, 2005

का०आ० 2581.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रुद्राक्ष टेक्नालाजी, एस सं. 352, मंजरी (बी के), पुणे-412307 द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले अंकक सूचन सहित तोलन, अस्वाचालित उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''नक्षत्र'' है (जिसे इसमें इससे पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/31 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार भार सेल आधारित अस्वाचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 240 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से या उससे अधिक के ''ई'' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 500 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ''ई'' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

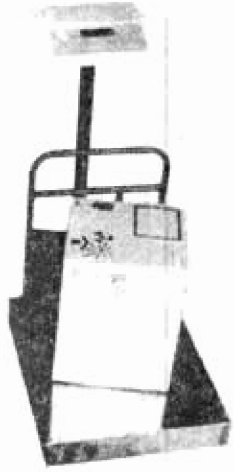
[फा.सं. डब्ल्यू एम-21(307)/2003]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th July, 2005

S.O. 2581.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of non-automatic weighing instrument (Platform type) with digital indication of high accuracy (Accuracy class-II) and with brand name "NAKSHTRA" (hereinafter referred to as the model), manufactured by M/s. Rudraksha Technologies, S. No. 352, Manjari (BK), Pune-412307, Maharastra and which is assigned the approval mark IND/09/2005/31;



The said model is a strain guage type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 240kg. and minimum capacity of 1kg. The verification scale interval (e) is 20g. It has a tare device with a 100 percent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by Sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 500 kg with verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, where k is a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principles, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(307)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 5 जुलाई, 2005

का०आ० 2582.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स रुद्राक्ष टेक्नाल्रॉजी, एस सं. 352, मंजरी (बी के), पुणे-412307 महाराष्ट्र द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले अंकक सूचन सहित तोलन, अस्वचालित उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''नक्षत्र'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2005/32 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;

उक्त मॉडल विकृति गेज प्रकार भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक ''ई'' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के ''ई'' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि. ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ''ई'' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो के धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

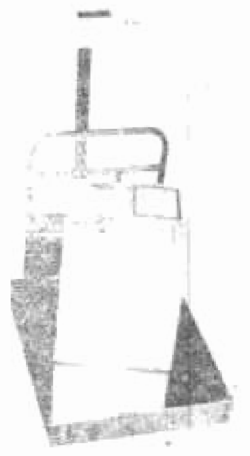
[फा.सं. डब्ल्यू एम-21(307)/2003]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 5th July, 2005

S.O. 2582.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic (Platform type) weighing instrument with digital indication of medium accuracy (Accuracy class-III) and with brand name "NAKSHTRA" (herein referred to as the said model), manufactured by M/s. Rudraksha Technologies, Sl. No. 352, Manjari (BK), Pune-412307, Maharashtra and which is assigned the approval mark IND/09/2005/32;



The said model is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 300kg. and minimum capacity of 1Kg. The verification scale interval (e) is 50g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fradulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and upto 1000 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100 mg to 2g and with the verification interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(307)/2003]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जुलाई, 2005

का०आ० 2583.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कृष्णा डिजीटल सिस्टम्स, ए/3, विषमो अपार्टमेंट, देवभूमि सोसायटी के निकट, घोडासार, अहमदाबाद-380050-गुजरात द्वारा निर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले ''जेड टी-पी एफ-09'' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''जेनिथ'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/541 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) एक विकृति गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण-पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के ''ई'' मान के लिए 500 से 10,000 तक की रेंज में मापमान (एन) अंतराल सहित 50 कि.ग्रा. से अधिक और 5,000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ''ई'' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(336)/2002]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th July, 2005

S.O. 2583.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating, non-automatic (Platform type) weighing instrument with digital indication of "ZT-PF-09" series of medium accuracy (Accuracy class-III) and with brand name "ZENITH" (herein referred to as the said model), manufactured by M/s. Krishna Digital Systems, A/3, Vishamo Apartment, Near Dev Bhomi Society, Ghodasar, Ahmedabad-380 050, Gujarat and which is assigned the approval mark IND/09/2004/541;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 1,000kg. and minimum capacity of 2kg. The verification scale interval (e) is 100g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fradulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity above 50 kg and upto 5,000 kg with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(336)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जुलाई, 2005

का०आ० 2584.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कृष्णा डिजीटल सिस्टम्स, ए /3, विषमो अपार्टमेंट, देवभूमि सोसायटी के निकट, घोडासार, अहमदाबाद-380050 गुजरात द्वारा निर्मित उच्च यथार्थता (यथार्थता वर्ग-II) वाले ''जेड टी-टी 19'' शृंखला के अंकक सूचन सहित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''जेनिथ'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/540 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;

उक्त मॉडल एक विकृत गेज प्रकार का भार सेल आधारित अस्वचालित तोलन उपकरण (टेबलटाप प्रकार का) है। इसकी अधिकतम क्षमता 22 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 2 ग्रा. है। इसमें एक आद्येयतुलन युक्ति है जिसका शत-प्रतिशत व्यकलनात्मक धारित आद्येयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।

स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 1 मि. ग्रा. से 50 मि.ग्रा. तक ''ई'' मान के लिए 100 से 50,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) और 100 मि. ग्रा. या उससे अधिक के ''ई'' मान के लिए 5000 से 50,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ''ई'' मान 1×10^{k}, 2×10^{k} या 5×10^{k}, के हैं, जोके धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(336)/2002]

पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th July, 2005

S.O. 2584.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model the of non-automatic weighing instrument (Table top type) with digital indication of "ZT-T-19" series of high accuracy (Accuracy class II) and with brand name "ZENITH" (hereinafter referred to as the said model), manufactured by M/s. Krishna Digital Systems, A/3, Vishamo Apartment, Near Devbhoomi Society, Ghodasar, Ahmedabad-380 050, Gujarat and which is assigned the approval mark IND/09/2004/540;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table top type) with a maximum capacity of 22kg. and minimum capacity of 100g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.

In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of similar make and performance of same series with maximum capacity upto 50 kg and with number of verification scale interval (n) in the range of 100 to 5000 for 'e' value of 1mg to 50mg and with number of verification scale interval (n) in the range of 5000 to 50,000 for 'e' value of 100 mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(336)/2002]

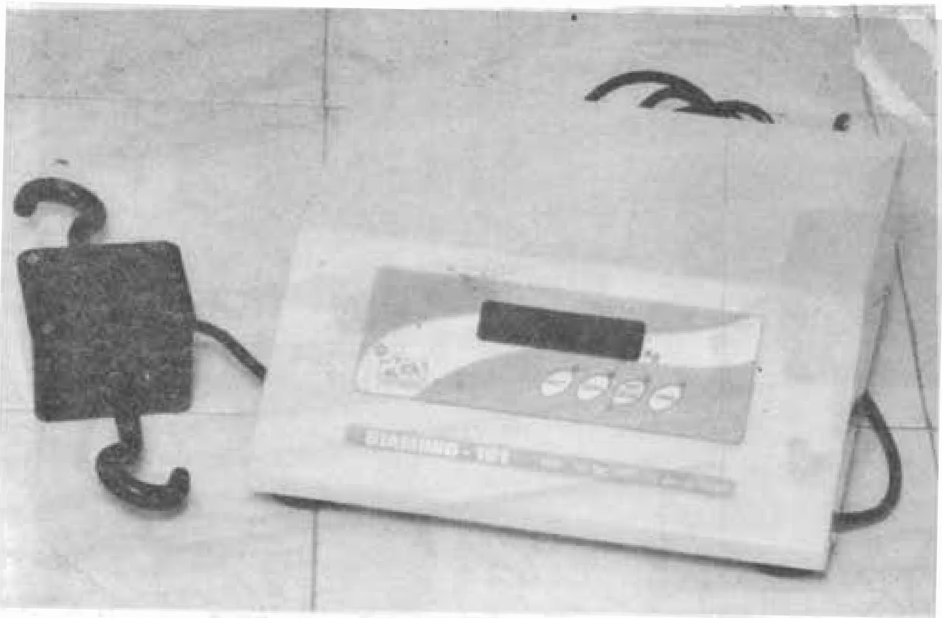
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जुलाई, 2005

का०आ० 2585.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स पी जी एस सिस्टम, प्लाट नं. 11, भाग्य चिन्तामणी सोसायटी, ग्रेस होटल के निकट, पाउड रोड, कोठरुद, पुणे-411029 द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले "पी जी एस" श्रृंखला के स्वत: सूचक, अंकक सूचन सहित अस्वचालित तोलन उपकरण (हैंगिंग स्केल प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "पी जी एस डायमंड-101" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/520 समनुदेशित किया गया है, अनुमोदन प्रमाण पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज प्रकार का लोडसेल अधारित तोलन उपकरण है। इसकी अधिकतम क्षमता 100 कि.ग्रा. और न्यूनतम क्षमता 200 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 10 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत-प्रतिशत व्यवकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, और 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के सीलबन्द के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबन्द भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से, जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मापमान अंतराल (एन) सहित 300 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू एम-21(110)/2002]

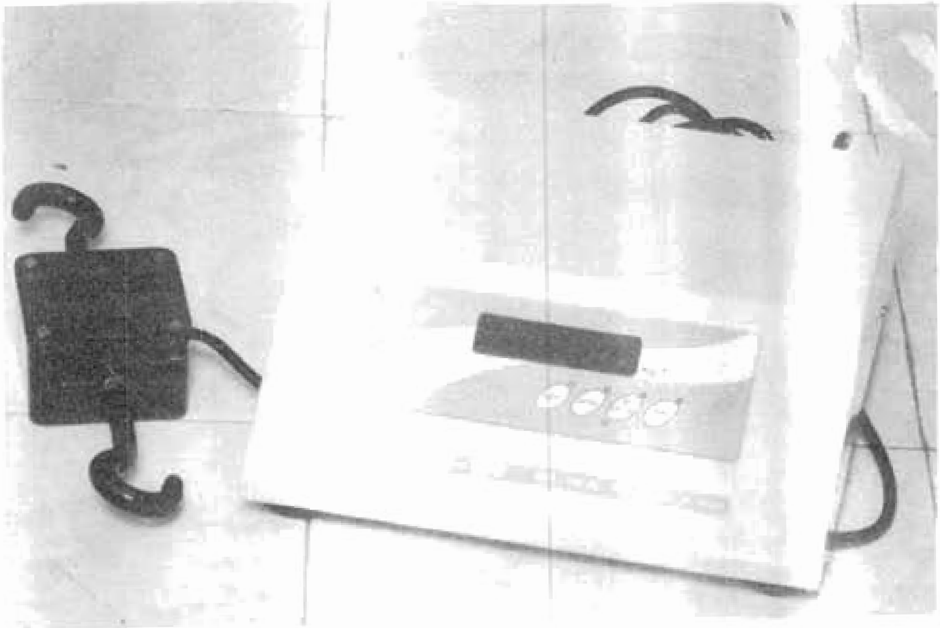
पी० ए० कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th July, 2005

S.O. 2585.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (See the figure given below), is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of model of self indicating non-automatic (Hanging Scale) weighing instrumeent with digital indication of "PGS" series of medium accuracy (Accuracy class-III) and with brand name "PGS-DIAMOND-101" (hereinafter referred to as the said model), manufactured by M/s. PGS System, Plot No. 11, Bhagya Chintamani Society, Near Hotel Grace, Poud Road, Kothrud, Pune-411 029 and which is assigned the approval mark IND/09/2004/520;

The said model (See the figure given below) is a strain gauge type load cell based non-automatic weighing instrument with a maximum capacity of 100kg. and minimum capacity of 200g. The verification scale interval (e) is 2g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternate current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fradulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instruments of same series with maximum capacity upto 300 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(110)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 6 जुलाई, 2005

का.आ. 2586.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स कोसन क्रिसप्लांट, 302, विन्टेज काम्प्लेक्स, मार्ग सं. 5, बंजारा हिल्स, हैदराबाद-50034 आन्ध्र प्रदेश द्वारा विनिर्मित "सीयूसी-ई एक्स (यूएफएम)" श्रृंखला के अंकक सूचन सहित स्वचालित भारात्मक भरण उपकरण (कारोसेल प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "कोसन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/420 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल विकृति गेज प्रकार का भार सेल आधारित स्वचालित भारात्मक भरण उपकरण (कारोसेल प्रकार) है। इसकी अधिकतम क्षमता 120 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। द्रव क्रिस्टल प्रदर्श (एल सी डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। सिस्टम 24 भरण मशीनों की एक ड्राइविंग इकाई से मिलकर बना है और यह सिलेंडरों में एक पी जी भरने में प्रयुक्त होता है। उपकरण 12 वोल्ट, एक दिश धारा विद्युत प्रदाय पर कार्य करता है। इसकी अधिकतम भरण क्षमता दर रेंज 1200 सिलेण्डर प्रति घंटा है।

स्टाम्पिंग प्लेट के सीलबंद के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

[फा.सं. डब्ल्यू. एम.-21(45)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 6th July, 2005

S.O. 2586.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of Automatic Gravimetric Filling instrument (Carousel Type) with digital indication of "CUC-Ex (UFM)" series and with brand name "KOSAN" (hereinafter referred to as the said model), manufactured by M/s Kosan Krisplant, 302, Vintage Complex, Road No. 5, Banjara Hills, Hyderabad-500034, Andhra Pradesh and which is assigned the approval mark IND/09/2004/420;

The said model is strain gauge type load cell based Automatic Gravimetric FIlling instrument (Carousel type) with a maximum capacity of 120kg and the verification scale interval (e) is 100g. It has a tare device with a subtractive retained tare effect. The liquid crystal display (LCD) indicates the weighing result. The system consist of 24 filling machine in one driving unit and is used for filling LPG in cylinders. The instrument operates on 12 Volts direct current power supply. Its maximum filling capacity rate range is 1200 sylinders per hour;

In addition to sealing stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

[F. No. WM-21(45)/2004]

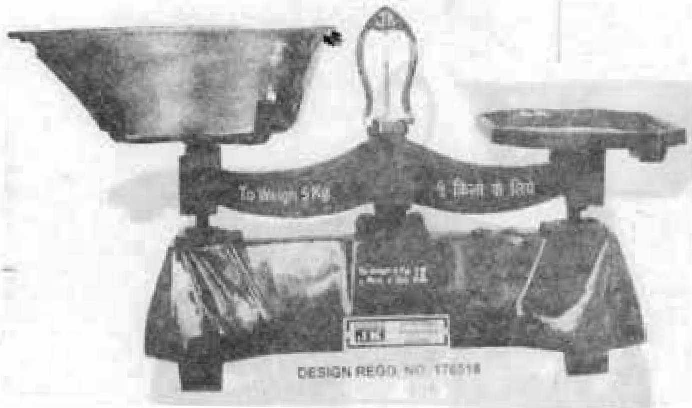
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 11 जुलाई, 2005

का.आ. 2587.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मैसर्स जय किशन इण्डस्ट्रीज, 21/2, जॉन्स मिल सं. 4, जवनी मंडी, आगरा-282004 द्वारा विनिर्मित काउंटर मशीन के मॉडल का, जिसके ब्राण्ड का नाम "जे के" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/366 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल बीम के सिद्धांत पर कार्यरत काउंटर मशीन है। इसकी अधिकतम क्षमता 10 कि.ग्रा. है। और ब्रांड का नाम "जे के" है।



स्टाम्पिंग प्लेट को सीलबंद करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धांत, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 500 ग्रा. से 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं।

[फा.सं. डब्ल्यू. एम.-21(88)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th July, 2005

S.O. 2587.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over period of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of counter machine (herein referred to as the said model), manufactured by M/s. Jai Kishan Industries, 21/2, Jhon's Mill No. 4, Jeoni Mandi, Agra-282004 and which is assigned the approval mark IND/09/2004/366;

The said model (see the figure given below) is a counter machine working on the principle of beam with maximum capacity of 10 Kg with brand name "JK";

In addition to sealing the stamping plate, Machine shall be sealed to prevent its opening for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of section 36 of the said Act, the central Government hereby declares that this certificate of approval of the said model shall also cover the counter machine of similar make, accuracy and performance of same series with maximum capacity from 500g up to 50Kg manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model have been manufactured.

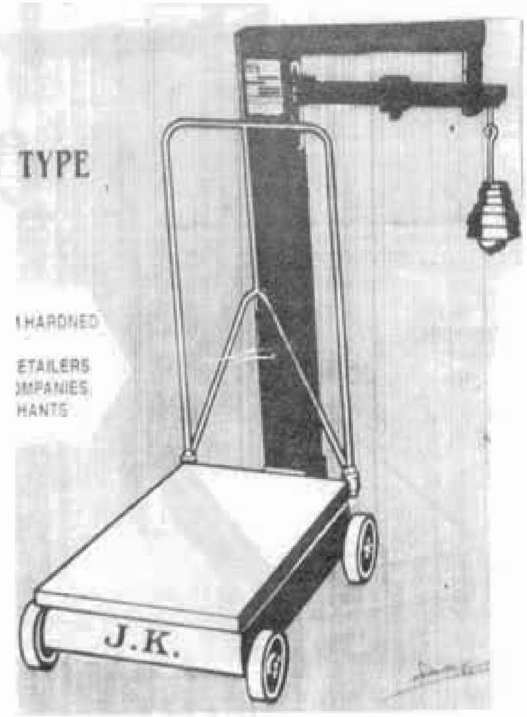
[F. No. WM-21(88)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 11 जुलाई, 2005

का.आ. 2588.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जय किशन इण्डस्ट्रीज, 21/2, जॉन्स मिल सं. 4, जवनी मंडी, आगरा-282004 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले ''जे के'' शृंखला के सदृश सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन-स्टीलयार्ड प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''जे के'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/368 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल यांत्रिक स्टील यार्ड प्रकार लीवर आधारित अस्वचालित (प्लेटफार्म स्टीलयार्ड प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 4 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 200 ग्रा. है।

स्टाम्पिंग प्लेट को सीलबंद करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए उसे खोलने से रोकने के लिए सीलबंदी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त,-डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के ''ई'' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ''ई'' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

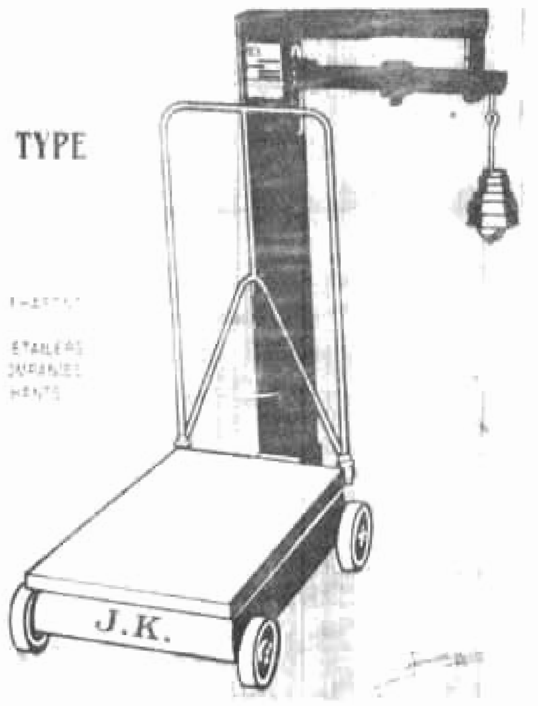
[फा.सं. डब्ल्यू. एम.-21(88)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th July, 2005

S.O. 2588.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform machine-Steelyard type) weighing instrument with analogue indication of "JK" series of medium accuracy (Accuracy class-III) and with brand name "JK" (herein referred to as the said model), manufactured by M/s Jai Kishan Industries, 21/2, Jkon's Mill No. 4, Jeoni Mandi, Agra-282004 and which is assigned the approval mark IND/09/2004/368;



The said model is a mechanical steelyard type liver based non automatic weighing instrument (Platform machine-Steelyard type) with a maximum capacity of 1000kg and minimum capacity of 4kg. The verification scale interval (e) is 200g.

In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 1000kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved model has been manufactured.

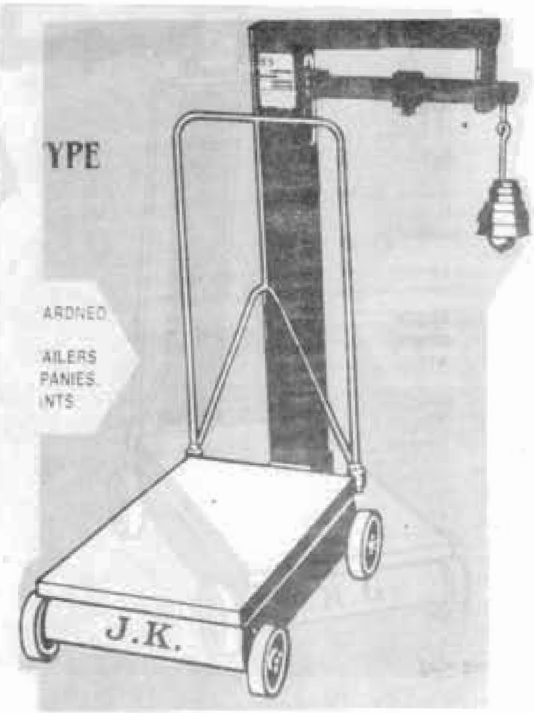
[F. No. WM-21(88)/2004]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 11 जुलाई, 2005

का.आ. 2589.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स जय किशन इण्डस्ट्रीज, 21/2, जॉन्स मिल सं. 4, जवनी मंडी, आगरा-282 004 द्वारा विनिर्मित मध्यम यथार्थता (यथार्थता वर्ग-III) वाले "जे के" शृंखला के सदृश सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म मशीन-प्रो वेट प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "जे के" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/367 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।



उक्त मॉडल यांत्रिक स्टील यार्ड प्रकार लीवर आधारित अस्वचालित (प्लेटफार्म मशीन प्रो वेट प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 1000 कि.ग्रा. और न्यूनतम क्षमता 2 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 100 ग्रा. है।

स्टाम्पिंग प्लेट को सीलबंद करने के अतिरिक्त कपटपूर्ण व्यवहारों के लिए उसे खोलने से रोकने के लिए सीलबंदी की जाएगी।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे अनुमोदित मॉडल विनिर्मित किया गया है, विनिर्मित उसी श्रृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 5 ग्रा. या उससे अधिक के "ई" मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान (एन) अंतराल सहित 50 कि. ग्रा. से अधिक और 1000 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

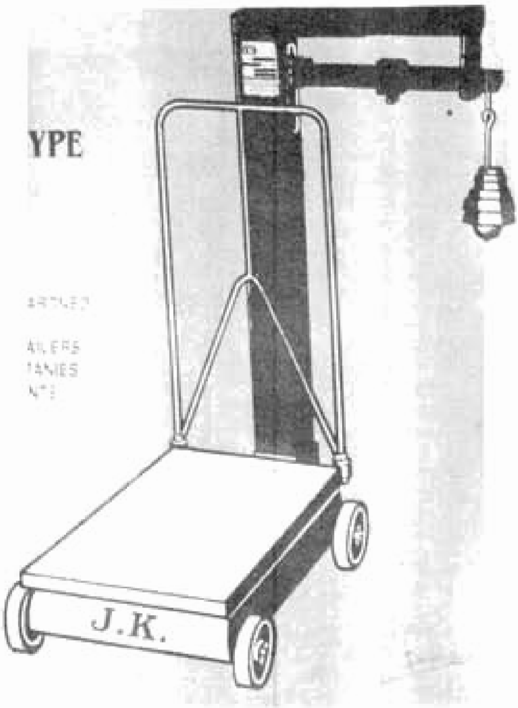
[फा.सं. डब्ल्यू. एम.-21(88)/2004]

पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th July, 2005

S.O. 2589.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said Model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of non-automatic (Platform machine-Pro Weight type) weighing instrument with analogue indication of "JK" series of medium accuracy (accuracy class-III) and with brand name "JK" (herein referred to as the said Model), manufactured by M/s. Jai Kishan Industries, 21/2, Jkon's Mill No. 4, Jeoni Mandi, Agra-282 004 and which is assigned the approval mark IND/09/2004/367;



The said Model is a mechanical steelyard type liver based non-automatic weighing instrument (Platform machine-Pro Weight type) with a maximum capacity of 1000kg and minimum capacity of 2kg. The verification scale interval (e) is 100g.

In addition to sealing the stamping plate, sealing is also done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said Model shall also cover the weighing instruments of similar make, accuracy and performance of same series with maximum capacity above 50 kg and up to 1000kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being a positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the said approved Model has been manufactured.

[F. No. WM-21(88)/2004]

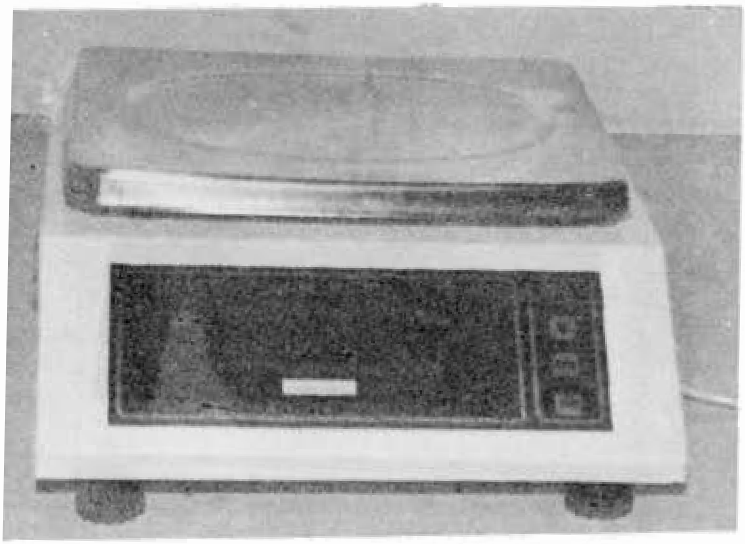
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 11 जुलाई, 2005

का.आ. 2590.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अमन स्केल प्रा. लि, 14-ए, नेहरु ग्राउंड, एन आई टी, फरीदाबाद, हरियाणा द्वारा विनिर्मित मध्यम यथार्थता वर्ग (यथार्थता वर्ग-III) वाले ''अमन'' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (टेबलटाप प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''अमन'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/526 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज प्रकार भार सेल आधारित अस्वचालित (टेबलटाप प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 30 कि.ग्रा. और न्यूनतम क्षमता 100 ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 5 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के सील के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सील भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाण पत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. से 2 ग्रा. तक ''ई'' मान के लिए 100 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) और 5 ग्रा. या उससे अधिक के ''ई'' मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ''ई'' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(179)/2002]

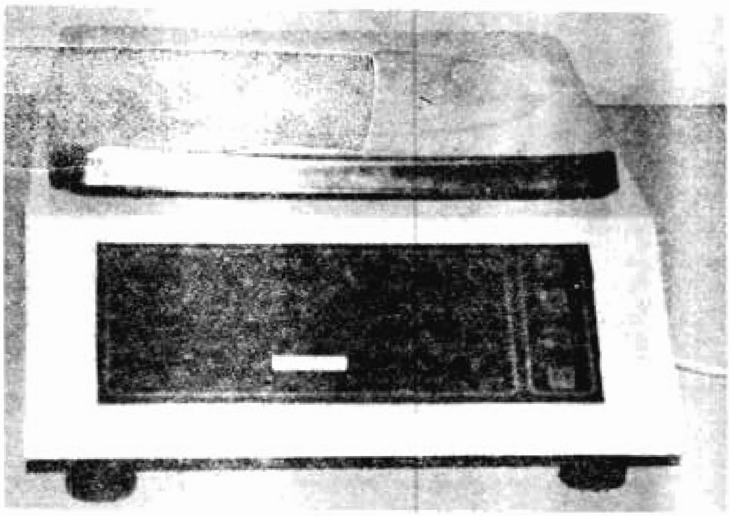
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th July, 2005

S.O. 2590.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the non-automatic (Table Top type) weighing instrument with digital indication of "AMAN" series of medium accuracy (Accuracy class-III) and with brand name "AMAN" (herein referred to as the said model), manufactured by M/s. Aman Scales Pvt. Ltd., 14-A, Nehru Ground, N.I.T. Faridabad, Haryana and which is assigned the approval mark IND/09/2004/526;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Table Top type) with a maximum capacity of 30kg and minimum capacity of 100g. The verification scale interval (e) is 5g. It has a tare device with 100 per cent subtractive retained tare effect. The light emitting diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, 50 Hertz alternative current power supply.



In addition to sealing the stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity upto 50 kg with verification scale interval (n) in the range of 100 to 10,000 for 'e' value of 100mg to 2g or with verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance and with the same principle, design, accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(179)/2002]

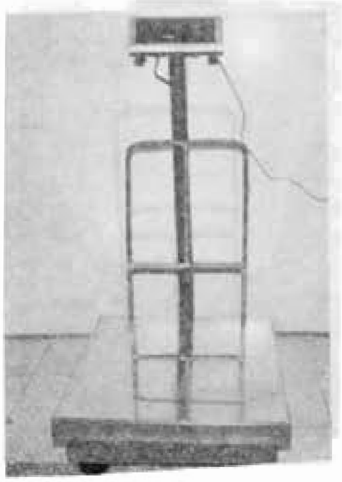
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 11 जुलाई, 2005

का.आ. 2591.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अत:, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उप-धारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अमन स्केल प्रा. लि, 14-ए, नेहरू ग्राउंड, एन आई टी, फरीदाबाद, हरियाणा द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले ''अमन'' शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम ''अमन'' है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/527 समनुदेशित किया गया है, अनुमोदन प्रमाण-पत्र जारी और प्रकाशित करती है;

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज प्रकार भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 200 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 20 ग्रा. है। इसमें एक आधेयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आधेयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उप-धारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के ''ई'' मान के लिए 500 से 50,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 500 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और ''ई'' मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(179)/2002]

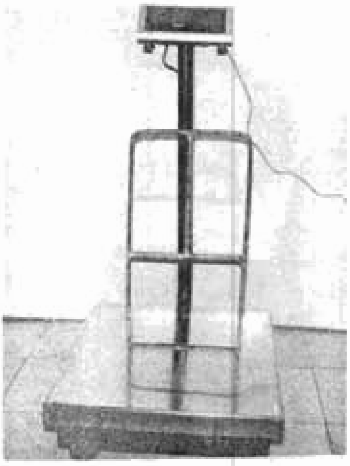
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th July, 2005

S.O. 2591.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of non-automatic weighing instrument (Platform type) with digital indication of "AMAN" series of high accuracy (Accuracy class-II) and with brand name "AMAN" (herein referred to as the said model), manufactured by M/s Aman Scales Pvt. Ltd., 14-A, Nehru Ground, N.I.T. Faridabad, Haryana and which is assigned the approval mark IND/09/2004/527;

The said model (see the figure given below) is a strain gauge type load cell based non-automatic weighing instrument (Platform type) with a maximum capacity of 200kg and minimum capacity of 1kg. The verification scale interval (e) is 20g. It has a tare device with a 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) indicates the weighing result. The instrument operates on 230 Volts and 50 Hertz alternative current power supply.



In addition to sealing stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of similar make, and performance of same series with maximum capacity ranging above 50 kg to 500 kg and with number of verification scale interval (n) in the range of 5,000 to 50,000 for 'e' value of 100mg or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer in accordance with the same principle, design,accuracy and with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(179)/2002]

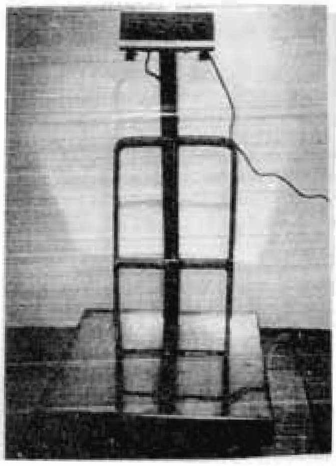
P. A. KRISHNAMOORTHY, Director of Legal Metrology

नई दिल्ली, 11 जुलाई, 2005

का.आ. 2592.—केन्द्रीय सरकार का, विहित प्राधिकारी द्वारा उसे प्रस्तुत रिपोर्ट पर विचार करने के पश्चात्, यह समाधान हो गया है कि उक्त रिपोर्ट में वर्णित मॉडल (नीचे दी गई आकृति देखें) बाट और माप मानक अधिनियम, 1976 (1976 का 60) तथा बाट और माप मानक (मॉडलों का अनुमोदन) नियम, 1987 के उपबंधों के अनुरूप है और इस बात की संभावना है कि लगातार प्रयोग की अवधि में भी उक्त मॉडल यथार्थता बनाए रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा प्रदान करता रहेगा;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 की उपधारा (7) और (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स अमन स्केल प्रा. लि. 14-ए, नेहरू ग्राउंड, एन आई टी, फरीदाबाद, हरियाणा द्वारा विनिर्मित उच्च यथार्थता वर्ग (यथार्थता वर्ग-II) वाले "अमन" शृंखला के अंकक सूचन सहित, अस्वचालित तोलन उपकरण (प्लेटफार्म प्रकार) के मॉडल का, जिसके ब्राण्ड का नाम "अमन" है (जिसे इसमें इसके पश्चात् उक्त मॉडल कहा गया है) और जिसे अनुमोदन चिह्न आई एन डी/09/2004/528 समनुदेशित किया गया है, अनुमोदन प्रमाणपत्र जारी और प्रकाशित करती है।

उक्त मॉडल (नीचे दी गई आकृति देखें) विकृति गेज प्रकार भार सेल आधारित अस्वचालित (प्लेटफार्म प्रकार) तोलन उपकरण है। इसकी अधिकतम क्षमता 300 कि.ग्रा. और न्यूनतम क्षमता 1 कि.ग्रा. है। सत्यापन मापमान अन्तराल (ई) का मान 50 ग्रा. है। इसमें एक आद्येयतुलन युक्ति है जिसका शत प्रतिशत व्यकलनात्मक धारित आद्येयतुलन प्रभाव है। प्रकाश उत्सर्जक डायोड (एल ई डी) प्रदर्श तोलन परिणाम उपदर्शित करता है। उपकरण 230 वोल्ट, 50 हर्ट्ज प्रत्यावर्ती धारा विद्युत प्रदाय पर कार्य करता है।



स्टाम्पिंग प्लेट के मुद्रांकन के अतिरिक्त मशीन को कपटपूर्ण व्यवहारों के लिए खोलने से रोकने के लिए सीलबंद भी किया जाएगा।

और केन्द्रीय सरकार उक्त अधिनियम की धारा 36 की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि उक्त मॉडल के अनुमोदन के इस प्रमाणपत्र के अंतर्गत उसी विनिर्माता द्वारा उसी सिद्धान्त, डिजाइन के अनुसार और उसी सामग्री से जिससे उक्त अनुमोदित मॉडल का निर्माण किया गया है, विनिर्मित उसी शृंखला के वैसे ही मेक, यथार्थता और कार्यपालन के तोलन उपकरण भी होंगे जो 100 मि. ग्रा. या उससे अधिक के "ई" मान के लिए 500 से 10,000 तक की रेंज में सत्यापन मान अंतराल (एन) सहित 50 कि.ग्रा. से अधिक और 500 कि.ग्रा. तक की अधिकतम क्षमता वाले हैं और "ई" मान 1×10^k, 2×10^k या 5×10^k, के हैं, जो धनात्मक या ऋणात्मक पूर्णांक या शून्य के समतुल्य हैं।

[फा.सं. डब्ल्यू. एम.-21(179)/2002]

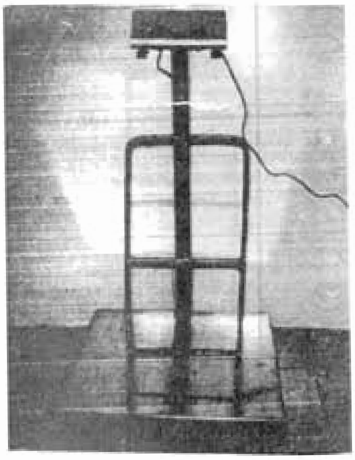
पी. ए. कृष्णामूर्ति, निदेशक, विधिक माप विज्ञान

New Delhi, the 11th July, 2005

S.O. 2592.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the model described in the said report (see the figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain its accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by Sub-sections (7) and (8) of Section 36 of the said Act, the Central Government hereby issues and publishes the certificate of approval of the model of the self indicating non-automatic (Plateform type) weighing instrument with digital indication of "AMAN" series of medium accuracy (Accuracy class-III) and with brand name "AMAN" (herein referred to as the said model), manufactured by M/s Aman Scales Pvt. Ltd., 14-A, Nehru Ground, N.I.T. Faridabad, Haryana and which is assigned the approval mark IND/09/2004/528;

The said model (see the figure given below) is a strain gauge type load cell based weighing instrument with a maximum capacity of 300kg and minimum capacity of 1kg. The verification scale interval (e) is 50g. It has a tare device with 100 per cent subtractive retained tare effect. The Light Emitting Diode (LED) display indicates the weighing result. The instrument operates on 230 Volts, and 50 Hertz alternative current power supply.



In addition to sealing stamping plate, sealing shall also be done to prevent the opening of the machine for fraudulent practices.

Further, in exercise of the powers conferred by sub-section (12) of Section 36 of the said Act, the Central Government hereby declares that this certificate of approval of the said model shall also cover the weighing instrument of same series with maximum capacity of 50 kg and upto 500 kg and with number of verification scale interval (n) in the range of 500 to 10,000 for 'e' value of 5g or more and with 'e' value of 1×10^k, 2×10^k or 5×10^k, k being the positive or negative whole number or equal to zero, manufactured by the same manufacturer with the same principle, design, accuracy with the same materials with which, the said approved model has been manufactured.

[F. No. WM-21(179)/2002]

P. A. KRISHNAMOORTHY, Director of Legal Metrology

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 7 जुलाई, 2005

का. आ. 2593.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2676 तारीख 19 अक्तूबर, 2004, जो भारत के राजपत्र तारीख 23 अक्तूबर, 2004 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोणी (पुणे) से पकनी (सोलापुर) तक हज़ारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 24 दिसम्बर, 2004, को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार, का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
कम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप–खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	सोनोरी		215		00	31	68
			150		00	81	78
			143		00	43	68
			145		00	09	36
			146		00	34	39
			94		00	05	05
			98		00	29	56
			97		00	19	70
			70		00	03	10
			71		00	26	42
			56		00	32	53
			50		00	15	11
			35		00	08	04
			36		00	10	90
			37		00	29	95
			232		00	19	98
			233		00	20	96
			242		00	10	96
			243		00	11	31
			244		00	12	81
			245		00	26	07
			गट नंबर 245 और 248 के बीच में गाडी रास्ता		00	08	38
			248		00	00	81
			276		00	16	73
			279		00	01	41
			275		00	60	51
			251		00	09	74
			252 पै		00	05	86
			253 पै		00	04	75
			254 पै		00	12	92
			गट नंबर 254 पै में मेटल्ड रास्ता		00	02	62
			255 पै		00	15	42
			256		00	06	71
			257		00	08	02
			258		00	08	95

तालूका : पुरंदर		जिला : पुणे		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	सोनोरी (निरंतर)		259		00	05	05
			260		00	39	98
			गट नंबर 260 और 370 के पास का मिट्टी रास्ता		00	02	93
			370		00	28	14
			392		00	54	36
			गट नंबर 392 में नाला		00	09	48
			399		00	09	61
				कुल	07	95	72
2	वनपुरी		18		00	11	36
			373		00	64	01
			372		00	07	67
			371		00	08	30
			368		00	08	41
			361		00	02	73
			360		00	06	07
			356		00	03	38
			355		00	03	78
			353		00	03	88
			गट नंबर 353 में राज्यमार्ग 63		00	03	97
			गट नंबर 353 और 352 के बीच में मेटल्ड रास्ता		00	04	93
			352		00	11	13
			350		00	15	00
			340		00	00	35
			341		00	02	07
			342		00	06	60
			343		00	08	22
			344		00	05	24
			345		00	10	04
			346		00	02	18
			347		00	03	59
			348		00	04	84
			349		00	07	04
				कुल	02	04	79

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	कुंभारवलण		108	अ/4	00	00	87
			108	अ/5	00	07	78
			108	अ/6	00	14	13
			108	अ/7	00	05	61
			108	ब/4	00	05	00
			108	ब/5	00	13	69
			108	ब/6	00	08	80
			108	ब/8	00	29	63
			108	ब/10	00	18	49
			111		00	33	12
			112		00	11	92
			113		00	06	96
			118		00	18	40
			120		00	23	24
			119		00	00	02
			121		00	08	66
			122		00	10	40
			130		00	06	00
			133		00	18	10
			28		00	31	61
			27		00	16	74
			26		00	19	17
			गट नंबर 26 और 21 के बीच प्रमुख जिला मार्ग 31		00	03	02
			21		00	00	07
			13		00	17	90
			14		00	08	42
			15		00	03	77
			16		00	00	90
			14		00	12	31
			17		00	00	02
			3		00	12	59
			2		00	46	08
			गट नंबर 2 के पास करहा नदी		00	04	25
				कुल	04	17	67

तालुका : पुरंदर | जिला : पुणे | राज्य : महाराष्ट्र

क्रम सं.	गांव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
4	खलद		गट नंबर 1180 और गाँव सीमा कुंभारवलण के बीच में करहा नदी		00	06	80
			1180		00	20	74
			1181		00	01	35
			1182		00	14	82
			1183		00	27	63
			1184		00	01	53
			1185		00	05	80
			1187		00	19	54
			गट नंबर 1187 और 1317 के बीच में मेटल्ड रास्ता		00	03	64
			1317		00	58	80
			गट नंबर 1318 में नाला		00	02	38
			1318		00	21	78
			1319		[illegible]	10	42
			1348		00	16	08
			गट नंबर 1348 और 1333 के बीच में मेटल्ड रास्ता		00	02	11
			1333		00	07	60
			1334		00	02	95
			1335		00	01	88
			1336		00	04	13
			1347		00	09	29
			1344		00	23	43
			गट नंबर 1344 में नाला		00	03	86
			1376		00	03	42
			1378		00	03	97
			1379		00	03	79
			1380		00	07	55
			1382		00	13	02
			1383		00	07	14
			1384		00	05	21
			1398		00	08	81
			1397		00	03	87

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
कम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
4	खलद (निरंतर)		1395		00	17	24
			1396		00	04	67
			1394		00	08	34
			गट नंबर 1396 और 876 के बीच में राज्य मार्ग 64		00	05	36
			876		00	11	39
			874		00	07	31
			872		00	15	28
			870		00	12	40
			868		00	09	73
			867		00	28	64
			गट नंबर 867 और 735 के बीच में नाला		00	04	29
			735		00	40	14
			733		00	00	60
			732		00	26	45
			726		00	07	14
			725		00	07	96
			723		00	04	72
			722		00	07	18
			721		00	08	13
			720		00	05	82
			719		00	05	08
			718		00	04	41
			717		00	03	84
			716		00	04	58
			715		00	12	28
			714		00	13	65
			713		00	19	51
			712		00	06	84
			711		00	12	12
			710		00	00	60
				कुल	**06**	**39**	**04**
5	शिवरी		1034		00	02	65
			1035		00	02	57
			1036		00	01	69
			1037		00	24	62
			1038		00	13	29
			1040		00	18	42
			1044		00	14	14

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
5	शिवरी (निरंतर)		1051		00	08	69
			1052		00	08	31
			1053		00	06	15
			1054		00	10	20
			1055		00	21	78
			1056		00	02	79
			गट नंबर 1056 और 955 के बीच में मेटल्ड रास्ता		00	01	99
			955		00	03	31
			954		00	07	16
			949		00	23	01
			948		00	08	41
			940		00	06	78
			941		00	03	71
			942		00	04	59
			943		00	03	90
			944		00	01	10
			945		00	15	90
			930		00	00	18
			946		00	01	42
			929		00	06	55
			928		00	00	80
			926		00	16	10
			859		00	25	37
			858		00	21	25
			855		00	07	29
			854		00	08	95
			850(पै)		00	08	36
			गट नंबर 850 पै और 833 के बीच की भूमि		00	04	58
			833		00	34	03
			847		00	01	66
			834		00	27	61
			गट नंबर 834 और 837 के बीच की भूमि		00	05	00
			837		00	20	60
			828		00	12	08

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
5	शिवरी (निरंतर)		827		00	09	81
			648		00	04	58
			647		00	02	98
			646		00	04	69
			644		00	06	22
			642		00	09	93
			641		00	06	52
			639		00	04	46
			636		00	02	55
			635		00	05	21
			634		00	03	74
			632		00	04	74
			631		00	05	64
			630		00	07	22
			629		00	15	80
			628		00	04	96
			627		00	48	16
			626		00	19	88
			621		00	35	37
				कुल	06	19	45
6	पांगारे		592		00	01	77
			गट नंबर 592 और 593 के बीच में नाला		00	04	26
			593		00	15	13
			गट नंबर 593 और 671 में अस्फालटेड रास्ता		00	02	32
			गट नंबर 777 और 782 के बीच में प्रमुख जिला मार्ग 60		00	02	71
				कुल	00	26	19
7	परिंचे		गट नंबर 2168 में अस्फालटेड रास्ता		00	01	32
			2168		00	07	52
			गट नंबर 2168 और 2172 के बीच में प्रमुख जिला मार्ग 60		00	02	25

तालूका : पुरंदर			जिला : पुणे	राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
7	परिंचे (निरंतर)		गट नंबर 2172 और 2207 के बीच में नाला		00	02	97
			2206		00	02	37
			2210		00	08	38
			2211		00	02	72
			2212		00	07	96
			2219		00	07	10
			2220		00	01	89
			2221		00	07	33
			2223		00	05	00
			2227		00	03	32
			2228		00	04	65
			2229		00	05	57
			2237		00	16	01
			2238		00	09	90
			2239		00	12	31
			2240		00	00	15
			2255		00	18	29
			2254		00	04	95
			2252		00	25	10
			2253		00	25	54
			2286		00	12	15
			2288		00	10	38
			2287		00	09	83
			2289		00	11	82
			2311		00	25	71
			2312		00	10	54
			2306		00	12	87
			2304		00	00	26
			2303		00	08	36
			2301		00	15	51
			2378		00	06	03
			2379		00	06	22
			2380		00	07	28
			2381		00	05	38
			2377		00	29	96
			2400		00	50	14
			2399		00	27	19
			2439		00	25	90
			2438		00	14	83
			2437		00	21	25

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
कम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप–खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
7	परिंचे (निरंतर)		2571		00	64	18
			2577		00	06	58
			2573		00	37	48
			2643		00	00	10
			2642		00	00	53
			2624		00	08	03
			2625		00	03	06
			2626		00	03	60
			2641		00	02	93
			2627		00	02	39
			2640		00	07	97
			2628		00	01	37
			2629		00	00	44
			2639		00	03	85
			2638		00	04	74
			2637		00	07	00
			2636		00	07	58
			2632		00	09	49
			2635		00	12	94
			गट नंबर 2635 में नाला		00	02	84
			2754		00	39	98
			2724		00	00	90
			2730		00	18	62
			2732		00	00	03
			2731		00	09	59
			2733		00	05	39
			2729		00	10	73
			2728		00	02	84
			3065		00	55	24
			3064		00	16	10
			3063		00	15	92
			3062		00	14	37
			3061		00	07	31
			3060		00	03	97
			3059		00	04	65
			3058		00	02	11
			3057		00	03	26
			3056		00	06	50
			3055		00	05	56
			3054		00	01	63
			3097		00	28	91

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
7	परिंचे (निरंतर)		गट नंबर 3097 और 3095 के बीच में गाडी रास्ता		00	05	87
			3095		00	03	07
			3096		00	61	33
			3106		00	13	54
			3104		00	36	11
			3109		00	00	30
			3110		00	14	60
			3111		00	01	58
				कुल	10	71	32
8	हरणी		195(पै)		00	35	99
			गट नंबर 195 पै में अस्फालटेड रास्ता		00	01	37
			194		00	32	66
			193		00	11	97
			192		00	02	64
			166		00	07	13
			165		00	19	45
			164		00	12	33
			163		00	21	02
			168		00	02	01
			162		00	00	19
			153		00	14	91
			147		00	03	12
			148		00	10	72
			90		00	14	52
			91		00	15	13
			82		00	26	30
			81		00	18	21
			गट नंबर 80 में अस्फालटेड रास्ता		00	02	20
			80		00	27	26
			38		00	18	05
			17		00	01	26
			5		00	00	17
			4		00	02	05
			3		00	06	50
			14		00	10	23
			15		00	14	67
			16		00	11	65
			951		00	10	64

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
कम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
8	हरणी (निरंतर)		949		00	09	16
			गट नंबर 949 और 938 के बीच में अस्फालटेड रास्ता		00	02	97
			938		00	22	60
			935		00	03	24
			934		00	06	06
			924		00	04	79
			921(प)		00	02	97
			925		00	02	05
			918		00	02	93
			917		00	01	53
			916		00	02	13
			915		00	01	83
			914		00	03	81
			891		00	00	05
			890		00	03	03
			889		00	05	79
			888		00	04	79
			903		00	03	59
			902		00	02	00
			901		00	00	14
			904		00	00	06
			900		00	01	34
			899		00	01	46
			898		00	01	48
			897		00	03	59
			894		00	00	06
			895		00	04	39
			602		00	06	07
			603		00	07	00
			607		00	04	05
			604		00	09	42
			605		00	08	52
			822		00	19	28
			818		00	08	13
			819		00	18	69
			820		00	01	10
			807		00	00	87
			806		00	06	90
			गट नंबर 806 और 961 के बीच में गाडी रास्ता		00	12	92

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
8	हरणी (निरंतर)		961		00	00	16
			962		00	00	40
			963		00	01	04
			964		00	03	65
			802		00	07	77
			803		00	03	92
			804		00	03	10
			662		00	09	31
			678		00	00	55
			679		00	01	18
			680		00	04	79
			681		00	02	76
			682		00	07	21
			683		00	03	17
			712		00	06	64
			711		00	06	80
			716		00	19	40
			719		00	18	96
			718		00	00	02
			720		00	03	15
			722		00	56	12
			723		00	01	03
			760		00	15	58
			762		00	00	31
			759		00	26	61
			758		00	05	20
				कुल	07	63	97
9	वीर		1783		00	07	70
			1782		00	10	37
			1787		00	14	20
			1798		00	01	85
			1799		00	02	95
			1803		00	02	71
			1804		00	03	68
			1809		00	03	28
			1808		00	02	25
			1850		00	05	21
			1845		00	18	23
			1846		00	00	12
			1844		00	12	61
			1833		00	18	16

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
क्रम सं.	गाव का जाम	सर्वे नंबर	गट नंबर	उप–खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
9	वीर (निरतर)		1828		00	00	17
			2016		00	12	23
			2017		00	16	21
			2023		00	11	51
			गट नंबर 2051 में प्रमुख जिला मार्ग - 63		00	01	93
			2051		00	46	62
			2032		00	00	95
			2031		00	01	45
			2030		00	04	46
			2029		00	01	64
			2028		00	05	64
			2024		00	20	98
			2026		00	02	96
			2025		00	09	90
			2122		00	33	52
				कुल	02	73	49
10	मांडकी		1606		00	06	64
			1628		00	57	85
			1547		00	61	59
			1480		00	05	80
			1479		00	17	57
			1478		00	08	41
			1477		00	11	17
			1476		00	11	82
			गट नंबर 1476 और 1266 के बीच में मेटल्ड रास्ता		00	05	06
			1266		00	16	06
			1265		00	03	49
			1264		00	03	79
			1917		00	04	18
			1263		00	11	78
			1262		00	15	73
			1261		00	13	92
			1298		00	02	76
			1260		00	04	30
			1299		00	04	01
			1306		00	00	40
			1307		00	01	88
			1308		00	04	98

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
10	मांडकी (निरंतर)		1309		00	07	67
			1310		00	13	60
			1311		00	13	70
			1317		00	00	52
			1312		00	00	19
			1316		00	14	77
			1315		00	04	90
			गट नंबर 1315 और 897 के बीच में नाला		00	06	05
			897		00	25	93
			898		00	11	83
			849		00	09	97
			848		00	09	45
			847		00	04	98
			846		00	09	24
			गट नंबर 906 और 908 के बीच में मेटल्ड रास्ता		00	05	51
			840		00	00	04
			905		00	00	05
			906		00	00	64
			908		00	23	76
			921		00	11	22
			922		00	11	85
			923		00	28	49
			926		00	20	71
			929		00	00	05
			930		00	06	29
			931		00	00	05
			735		00	38	14
			932		00	00	40
			933		00	15	48
			934		00	05	94
			935		00	10	03
			936		00	03	98
			938		00	06	28
			939		00	26	49
			940		00	07	85
			गट नंबर 940 और गाँव सीमा जेजुर के बीच में नाला		00	04	61
				कुल	06	33	85

तालूका : पुरंदर			जिला : पुणे		राज्य : महाराष्ट्र		
कम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
11	जेजुर		गट नंबर 1148 और गाँव सीमा मांडकी के बीच में नाला		00	09	92
			1129		00	01	30
			1128		00	00	60
			1127		00	03	82
			1124		00	03	99
			1123		00	02	71
			गट नंबर 1121 में गाडी रास्ता		00	02	54
			1118		00	04	14
			1117		00	01	00
			1116		00	11	39
			1006		00	03	85
			1000		00	10	70
			997		00	00	71
			999		00	03	54
			995		00	05	66
			991		00	11	00
			992		00	01	23
			988		00	00	52
			985		00	05	12
			984		00	06	17
			983		00	00	96
			982		00	05	19
			934		00	09	96
			933		00	00	71
			989		00	13	72
			785		00	15	67
			786		00	06	00
			787		00	04	38
			805		00	11	72
			810		00	04	57
			809		00	07	76
			807		00	00	05
			808		00	05	67
			813		00	08	87
			814		00	03	38
			816		00	02	72
			817		00	02	41
			818		00	01	08

1	2	3	4	5	6	7	8
11	जेजुर (निरंतर)		837		00	03	51
			838		00	20	52
			836		00	16	59
			835		00	02	28
			838		00	15	60
			गट नंबर 838 और 851 के बीच में बाहें तरफ का कनाल		00	11	75
			851		00	47	51
			602		00	32	99
			576		00	06	83
			593		00	00	11
			574		00	11	63
			गट नंबर 573 और गाँव सीमा पिंपरे बुद्रूक के बीच में नीरा नदी		00	23	92
				कुल	03	87	97

[फा. सं. आर-31015/25/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 7th July, 2005

S. O. 2593.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2676, dated the 19th October, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 23rd October, 2004, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public on the 24th December,2004;

And whereas, the Competent Authority has under of sub-section (1) of Section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying, the pipeline has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for layingthe pipeline shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in the Hindustan Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : PURANDHAR District : PUNE State : MAHARASHTRA

Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	SONORI		215		00	31	68
			150		00	81	78
			143		00	43	68
			145		00	09	36
			146		00	34	39
			94		00	05	05
			98		00	29	56
			97		00	19	70
			70		00	03	10
			71		00	26	42
			56		00	32	53
			50		00	15	11
			35		00	08	04
			36		00	10	90
			37		00	29	95
			232		00	19	98
			233		00	20	96
			242		00	10	96
			243		00	11	31
			244		00	12	81
			245		00	26	07
			Cart Track in between Gat No 245 & 248		00	08	38
			248		00	00	81
			276		00	16	73
			279		00	01	41
			275		00	60	51
			251		00	09	74
			252(P)		00	05	86
			253(P)		00	04	75
			254(P)		00	12	92
			Metalled Road in Gat No 254(P)		00	02	62
			255(P)		00	15	42
			256		00	06	71
			257		00	08	02
			258		00	08	95

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	SONORI (Contd.)		259		00	05	05
			260		00	39	98
			Mud Road adjacent to Gat No 260 & 370		00	02	93
			370		00	28	14
			392		00	54	36
			Nala in Gat No 392		00	09	48
			399		00	09	61
				Total	07	95	72
2	VANPURI		18		00	11	36
			373		00	64	01
			372		00	07	67
			371		00	08	30
			368		00	08	41
			361		00	02	73
			360		00	06	07
			356		00	03	38
			355		00	03	78
			353		00	03	88
			SH - 63 in Gat No 353		00	03	97
			Metalled Road in between Gat No 353 & 352		00	04	93
			352		00	11	13
			350		00	15	00
			340		00	00	35
			341		00	02	07
			342		00	06	60
			343		00	08	22
			344		00	05	24
			345		00	10	04
			346		00	02	18
			347		00	03	59
			348		00	04	84
			349		00	07	04
				Total	02	04	79

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
3	KUMBHARVALAN		108	A/4	00	00	87
			108	A/5	00	07	78
			108	A/6	00	14	13
			108	A/7	00	05	61
			108	B/4	00	05	00
			108	B/5	00	13	69
			108	B/6	00	08	80
			108	B/8	00	29	63
			108	B/10	00	18	49
			111		00	33	12
			112		00	11	92
			113		00	06	96
			118		00	18	40
			120		00	23	24
			119		00	00	02
			121		00	08	66
			122		00	10	40
			130		00	06	00
			133		00	18	10
			28		00	31	61
			27		00	16	74
			26		00	19	17
			MDR - 31 in between Gat No 26 & 21		00	03	02
			21		00	00	07
			13		00	17	90
			14		00	08	42
			15		00	03	77
			16		00	00	90
			14		00	12	31
			17		00	00	02
			3		00	12	59
			2		00	46	08
			Karha River adjacent to Gat No 2		00	04	25
				Total	04	17	67

Taluka : PURANDHAR		District : PUNE		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
4	KHALAD		Karha River in between V.B. of Kumbharvalan & Gat No 1180		00	06	80
			1180		00	20	74
			1181		00	01	35
			1182		00	14	82
			1183		00	27	63
			1184		00	01	53
			1185		00	05	80
			1187		00	19	54
			Metalled Road in between Gat No 1187 & 1317		00	03	64
			1317		00	58	80
			Nala in Gat No 1318		00	02	38
			1318		00	21	78
			1319		00	10	42
			1348		00	16	08
			Metalled Road in between Gat No 1348 & 1333		00	02	11
			1333		00	07	60
			1334		00	02	95
			1335		00	01	88
			1336		00	04	13
			1347		00	09	29
			1344		00	23	43
			Nala in Gat No 1344		00	03	86
			1376		00	03	42
			1378		00	03	97
			1379		00	03	79
			1380		00	07	55
			1382		00	13	02
			1383		00	07	14
			1384		00	05	21
			1398		00	08	81
			1397		00	03	87

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
4	KHALAD (Contd.)		1395		00	17	24
			1396		00	04	67
			1394		00	08	34
			SH - 64 in between Gat No 1396 & 876		00	05	36
			876		00	11	39
			874		00	07	31
			872		00	15	28
			870		00	12	40
			868		00	09	73
			867		00	28	64
			Nala in between Gat No 867 & 735		00	04	29
			735		00	40	14
			733		00	00	60
			732		00	26	45
			726		00	07	14
			725		00	07	96
			723		00	04	72
			722		00	07	18
			721		00	08	13
			720		00	05	82
			719		00	05	08
			718		00	04	41
			717		00	03	84
			716		00	04	58
			715		00	12	28
			714		00	13	65
			713		00	19	51
			712		00	06	84
			711		00	12	12
			710		00	00	60
				Total	**06**	**39**	**04**
5	SHIVARI		1034		00	02	65
			1035		00	02	57
			1036		00	01	69
			1037		00	24	62
			1038		00	13	29
			1040		00	18	42
			1044		00	14	14

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
5	SHIVARI (Contd.)		1051		00	08	69
			1052		00	08	31
			1053		00	06	15
			1054		00	10	20
			1055		00	21	78
			1056		00	02	79
			Metalled Road in between Gat No 1056 & 955		00	01	99
			955		00	03	31
			954		00	07	16
			949		00	23	01
			948		00	08	41
			940		00	06	78
			941		00	03	71
			942		00	04	59
			943		00	03	90
			944		00	01	10
			945		00	15	90
			930		00	00	18
			946		00	01	42
			929		00	06	55
			928		00	00	80
			926		00	16	10
			859		00	25	37
			858		00	21	25
			855		00	07	29
			854		00	08	95
			850(P)		00	08	36
			Area in between Gat No 850(P) & 833		00	04	58
			833		00	34	03
			847		00	01	66
			834		00	27	61
			Area in between Gat No 834 & 837		00	05	00
			837		00	20	60
			828		00	12	08

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
5	SHIVARI (Contd.)		827		00	09	81
			648		00	04	58
			647		00	02	98
			646		00	04	69
			644		00	06	22
			642		00	09	93
			641		00	06	52
			639		00	04	46
			636		00	02	55
			635		00	05	21
			634		00	03	74
			632		00	04	74
			631		00	05	64
			630		00	07	22
			629		00	15	80
			628		00	04	96
			627		00	48	16
			626		00	19	88
			621		00	35	37
				Total	**06**	**19**	**45**
6	PANGARE		592		00	01	77
			Nala in between Gat No 592 & 593		00	04	26
			593		00	15	13
			Asphalted Road in Gat No 593 & 671		00	02	32
			MDR-60 in between Gat No 777 & 782		00	02	71
				Total	**00**	**26**	**19**
7	PARINCHE		Asphalted Road in Gat No 2168		00	01	32
			2168		00	07	52
			Major District Road-60 in between Gat No 2168 & 2172		00	02	25

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
7	PARINCHE (Contd.)		Nala in between Gat No 2172 & 2207		00	02	97
			2206		00	02	37
			2210		00	08	38
			2211		00	02	72
			2212		00	07	96
			2219		00	07	10
			2220		00	01	89
			2221		00	07	33
			2223		00	05	00
			2227		00	03	32
			2228		00	04	65
			2229		00	05	57
			2237		00	16	01
			2238		00	09	90
			2239		00	12	31
			2240		00	00	15
			2255		00	18	29
			2254		00	04	95
			2252		00	25	10
			2253		00	25	54
			2286		00	12	15
			2288		00	10	38
			2287		00	09	83
			2289		00	11	82
			2311		00	25	71
			2312		00	10	54
			2306		00	12	87
			2304		00	00	26
			2303		00	08	36
			2301		00	15	51
			2378		00	06	03
			2379		00	06	22
			2380		00	07	28
			2381		00	05	38
			2377		00	29	96
			2400		00	50	14
			2399		00	27	19
			2439		00	25	90
			2438		00	14	83
			2437		00	21	25

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
7	PARINCHE (Contd.)		2571		00	64	18
			2577		00	06	58
			2573		00	37	48
			2643		00	00	10
			2642		00	00	53
			2624		00	08	03
			2625		00	03	06
			2626		00	03	60
			2641		00	02	93
			2627		00	02	39
			2640		00	07	97
			2628		00	01	37
			2629		00	00	44
			2639		00	03	85
			2638		00	04	74
			2637		00	07	00
			2636		00	07	58
			2632		00	09	49
			2635		00	12	94
			Nala in Gat No 2635		00	02	84
			2754		00	39	98
			2724		00	00	90
			2730		00	18	62
			2732		00	00	03
			2731		00	09	59
			2733		00	05	39
			2729		00	10	73
			2728		00	02	84
			3065		00	55	24
			3064		00	16	10
			3063		00	15	92
			3062		00	14	37
			3061		00	07	31
			3060		00	03	97
			3059		00	04	65
			3058		00	02	11
			3057		00	03	26
			3056		00	06	50
			3055		00	05	56
			3054		00	01	63
			3097		00	28	91

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
7	PARINCHE (Contd.)		Cart track in between Gat No 3097 & 3095		00	05	87
			3095		00	03	07
			3096		00	61	33
			3106		00	13	54
			3104		00	36	11
			3109		00	00	30
			3110		00	14	60
			3111		00	01	58
				Total	10	71	32
8	HARNI		195(P)		00	35	99
			Asphalted Road in Gat No 195(P)		00	01	37
			194		00	32	66
			193		00	11	97
			192		00	02	64
			166		00	07	13
			165		00	19	45
			164		00	12	33
			163		00	21	02
			166		00	02	01
			162		00	00	19
			153		00	14	91
			147		00	03	12
			148		00	10	72
			90		00	14	52
			91		00	15	13
			82		00	26	30
			81		00	18	21
			Asphalted Road in Gat No 80		00	02	20
			80	—	00	27	26
			38		00	18	05
			17		00	01	26
			5		00	00	17
			4		00	02	05
			3		00	06	50
			14		00	10	23
			15		00	14	67
			16		00	11	65
			951		00	10	64

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
8	HARNI (Contd.)		949		00	09	16
			Asphalted Road in between Gat No 949 & 938		00	02	97
			938		00	22	60
			935		00	03	24
			934		00	06	06
			924		00	04	79
			921(P)		00	02	97
			925		00	02	05
			918		00	02	93
			917		00	01	53
			916		00	02	13
			915		00	01	83
			914		00	03	81
			891		00	00	05
			890		00	03	03
			889		00	05	79
			888		00	04	79
			903		00	03	59
			902		00	02	00
			901		00	00	14
			904		00	00	06
			900		00	01	34
			899		00	01	46
			898		00	01	48
			897		00	03	59
			894		00	00	06
			895		00	04	39
			602		00	06	07
			603		00	07	00
			607		00	04	05
			604		00	09	42
			605		00	08	52
			822		00	19	28
			818		00	08	13
			819		00	18	69
			820		00	01	10
			807		00	00	87
			806		00	06	90
			Cart Track in between Gat No 806 & 961		00	12	92

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
8	HARNI (Contd.)		961		00	00	16
			962		00	00	40
			963		00	01	04
			964		00	03	65
			802		00	07	77
			803		00	03	92
			804		00	03	10
			662		00	09	31
			678		00	00	55
			679		00	01	18
			680		00	04	79
			681		00	02	76
			682		00	07	21
			683		00	03	17
			712		00	06	64
			711		00	06	80
			716		00	19	40
			719		00	18	96
			718		00	00	02
			720		00	03	15
			722		00	56	12
			723		00	01	03
			760		00	15	58
			762		00	00	31
			759		00	26	61
			758		00	05	20
				Total	07	63	97
9	VIR		1783		00	07	70
			1782		00	10	37
			1787		00	14	20
			1798		00	01	85
			1799		00	02	95
			1803		00	02	71
			1804		00	03	68
			1809		00	03	28
			1808		00	02	25
			1850		00	05	21
			1845		00	18	23
			1846		00	00	12
			1844		00	12	61
			1833		00	18	16

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
9	VIR (Contd.)		1828		00	00	17
			2016		00	12	23
			2017		00	16	21
			2023		00	11	51
			MDR - 63 in Gat No 2051		00	01	93
			2051		00	46	62
			2032		00	00	95
			2031		00	01	45
			2030		00	04	46
			2029		00	01	64
			2028		00	05	64
			2024		00	20	98
			2026		00	02	96
			2025		00	09	90
			2122		00	33	52
				Total	02	73	49
10	MANDKI		1606		00	06	64
			1628		00	57	85
			1547		00	61	59
			1480		00	05	80
			1479		00	17	57
			1478		00	08	41
			1477		00	11	17
			1476		00	11	82
			Metalled Road in between Gat No 1476 & 1266		00	05	06
			1266		00	16	06
			1265		00	03	49
			1264		00	03	79
			1917		00	04	18
			1263		00	11	78
			1262		00	15	73
			1261		00	13	92
			1298		00	02	76
			1260		00	04	30
			1299		00	04	01
			1306		00	00	40
			1307		00	01	88
			1308		00	04	98

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
10	MANDKI (Contd.)		1309		00	07	67
			1310		00	13	60
			1311		00	13	70
			1317		00	00	52
			1312		00	00	19
			1316		00	14	77
			1315		00	04	90
			Nala in between Gat No 1315 & 897		00	06	05
			897		00	25	93
			898		00	11	83
			849		00	09	97
			848		00	09	45
			847		00	04	98
			846		00	09	24
			Metalled Road in between Gat No 906 & 908		00	05	51
			840		00	00	04
			905		00	00	05
			906		00	00	64
			908		00	23	76
			921		00	11	22
			922		00	11	85
			923		00	28	49
			926		00	20	71
			929		00	00	05
			930		00	06	29
			931		00	00	05
			735		00	38	14
			932		00	00	40
			933		00	15	48
			934		00	05	94
			935		00	10	03
			936		00	03	98
			938		00	06	28
			939		00	26	49
			940		00	07	85
			Nala in between Gat No 940 & V.B. of Jeur		00	04	61
				Total	06	33	85

2061 GI/05-13-A

Taluka : PURANDHAR			District : PUNE		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
11	JEUR		Nala in between Gat No 1148 & V.B. of Mandki		00	09	92
			1129		00	01	30
			1128		00	00	60
			1127		00	03	82
			1124		00	03	99
			1123		00	02	71
			Cart Track in Gat No 1121		00	02	54
			1118		00	04	14
			1117		00	01	00
			1116		00	11	39
			1006		00	03	85
			1000		00	10	70
			997		00	00	71
			999		00	03	54
			995		00	05	66
			991		00	11	00
			992		00	01	23
			988		00	00	52
			985		00	05	12
			984		00	06	17
			983		00	00	96
			982		00	05	19
			934		00	09	96
			933		00	00	71
			989		00	13	72
			785		00	15	67
			786		00	06	00
			787		00	04	38
			805		00	11	72
			810		00	04	57
			809		00	07	76
			807		00	00	05
			808		00	05	67
			813		00	08	87
			814		00	03	38
			816		00	02	72
			817		00	02	41
			818		00	01	08

1	2	3	4	5	6	7	8
11	JEUR (Contd.)		837		00	03	51
			838		00	20	52
			836		00	16	59
			835		00	02	28
			838		00	15	60
			Nira Left Bank Canal in between Gat No 838 & 851		00	11	75
			851		00	47	51
			602		00	32	99
			576		00	06	83
			593		00	00	11
			574		00	11	63
			Nira River in between Gat No 573 & V.B. of Pimpre Budruk		00	23	92
				Total	03	87	97

[No. R-31015/25/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 8 जुलाई, 2005

का. आ. 2594.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2678 तारीख 19 अक्तूबर, 2004, जो भारत के राजपत्र तारीख 23 अक्तूबर, 2004 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोणी (पुणे) से पकनी (सोलापुर) तक हज़ारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 24 फरवरी, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अत: अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

तालूका : पलुस			जिला : सांगली		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	आंधली		गट नंबर 735 और गाँव सीमा के बीच में येरला नदी		00	11	41
			735		00	36	33
			736		00	00	07
			738		00	16	01
			739		00	07	64
			740		00	00	10
			716		00	10	11
			741		00	08	52
			742		00	16	69
			745		00	00	74
			715		00	25	94
			714		00	08	70
			749		00	00	81
			711		00	54	03
			710		00	10	54
			709		00	20	27
			708		00	07	77
			गट नंबर 708 और 685 के बीच का रास्ता		00	04	64
			685		00	06	17
			686		00	31	20
			687		00	03	92
			688	2	00	37	22
			655		00	05	20
			690		00	37	06
			652		00	20	41
			651		00	16	32
			635		00	38	29
			636		00	05	15
			584		00	07	08
			585		00	14	74
			579		00	01	17
			गट नंबर 579 और 577 के बीच का गाडी रास्ता		00	02	11
			577		00	17	88
			578		00	07	52
			327		00	00	01
			328		00	29	03
			329		00	47	36

तालूका : पलुस		जिला : सांगली		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	आंधली (निरंतर)		गट नंबर 329 में रास्ता		00	03	27
			गट नंबर 328 में रास्ता		00	00	48
			330		00	00	32
			290		00	25	57
			289		00	32	60
			288		00	08	37
			गट नंबर 288 और 115 के बीच का गाडी रास्ता		00	05	02
			115		00	20	28
			122		00	00	60
			116		00	26	97
			119		00	15	83
			121		00	28	62
			218		00	11	47
			217		00	28	93
			215		00	37	00
			214	1	00	09	87
			214	2	00	27	17
			213	1	00	11	70
			213	2	00	00	66
			181		00	04	00
			182		00	20	50
			208		00	10	82
			207		00	19	00
			गट नंबर 207 में रास्ता		00	01	39
			184		00	15	50
			189		00	01	30
			185		00	01	17
			188		00	32	63
				कुल	**09**	**69**	**20**
2	मोराले		241		00	21	24
			240		00	07	20
			229		00	17	00
			239		00	03	60
			238		00	05	76
			237		00	04	32

तालूका : पलुस जिला : सांगली राज्य : महाराष्ट्र

क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप–खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
2	मोराले (निरंतर)		236		00	04	32
			235		00	03	60
			234		00	07	20
			233		00	05	04
			231		00	07	20
			230		00	05	76
				कुल	00	92	24
3	बांबवडे		1031		00	25	22
			1032		00	17	04
			1036		00	52	90
			1037		00	23	04
			1042		00	00	02
			1041		00	11	23
			1039		00	01	48
			1040		00	24	46
			1039		00	18	28
			गट नंबर 1040 और 1017 के बीच का प्रमुख जिला मार्ग 19		00	08	61
			1017		00	07	33
			1016		00	13	64
			1014		00	06	63
			1002		00	03	88
			1001		00	02	24
			997		00	02	02
			996		00	03	32
			995		00	03	89
			994		00	05	10
			983		00	05	49
			1296		00	05	95
			984		00	07	51
			986		00	08	93
			952		00	17	38
			951		00	01	96
			गट नंबर 951 में नाला		00	01	59
			950		00	03	13
			949		00	12	08
			948		00	06	22
			947		00	07	30
			946		00	17	24

तालूका : पलुस			जिला : सांगली		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	बांबवडे (निरंतर)		गट नंबर 946 और 926 के बीच का गाडी रास्ता		00	03	23
			926		00	06	71
			925		00	04	30
			924		00	01	93
			923		00	01	18
			922		00	02	53
			921		00	02	57
			920		00	02	41
			914		00	05	67
			913		00	02	89
			910	क	00	30	64
			811		00	12	87
			815		00	14	81
			गट नंबर 815 और 816 के बीच का गाडी रास्ता		00	02	04
			816		00	06	78
			817		00	10	35
			819		00	04	50
			803		00	16	20
			800		00	01	57
			802		00	02	25
			801		00	01	35
			795		00	05	40
			796		00	06	12
			1291		00	06	11
			790		00	06	07
			789		00	07	10
			761		00	16	65
			गट नंबर 761 में राज्य मार्ग नंबर 75		00	03	15
			758		00	06	75
			756		00	04	50
			755		00	03	82
			754		00	13	50
			740		00	27	36
			739		00	10	42
			737		00	24	14
			735		00	10	39

तालूका : पलुस			जिला : सांगली		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप–खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	बांबवडे (निरंतर)		734		00	05	79
			733		00	05	41
			731		00	01	27
			730		00	02	25
			729		00	02	06
			573		00	04	00
			गट नंबर 573 और 502 के बीच का नाला		00	02	86
			502		00	04	42
			501		00	07	89
			500		00	05	48
			499		00	05	82
			498		00	14	31
			494		00	00	17
			495		00	04	98
			498		00	02	81
			496		00	02	92
			497		00	04	61
			1289		00	09	78
			513		00	15	91
			514		00	05	07
			515		00	06	81
			516		00	05	41
			517		00	04	57
			518		00	02	07
			गट नंबर 518 और 422 के बीच का रास्ता		00	04	07
			422		00	04	16
			421		00	05	75
			420		00	03	65
			419		00	01	15
			417		00	05	68
			416		00	02	25
			424		00	06	90
			425		00	02	46
			426		00	02	20
			427		00	00	49
			428		00	00	05
			405		00	14	02

तालूका : पलुस			जिला : सांगली		राज्य : महाराष्ट्र		
कम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप–खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	बांबवडे (निरंतर)		391		00	02	23
			408		00	16	64
			412		00	00	87
			409		00	13	56
			410		00	06	50
			407		00	00	01
			999		00	04	00
				कुल	**08**	**36**	**68**
4	येलावी		1598		00	02	76
			1599		00	00	13
			1600		00	09	22
			1607		00	04	02
			1606		00	04	37
			1604		00	10	84
			1603		00	04	85
			1646		00	09	94
			1645		00	16	22
			1644		00	14	01
			1643	अ	00	11	98
			1675		00	06	14
			1688		00	32	63
			1640		00	00	40
			1692		00	13	95
			1693		00	19	82
			1710		00	00	70
			1709		00	32	26
			1708		00	11	73
			1707		00	00	53
			1733		00	40	01
			गट नंबर 1733 और 1946 के बीच का अस्फालटेड रास्ता		00	01	81
			1946		00	27	50
			1953		00	04	14
			1952		00	13	14
			1946		00	06	93
			1950		00	04	87
			1949		00	08	02
			1969		00	05	00
			1968		00	11	00
			1967		00	09	25

तालूका : पलुस			जिला : सांगली		राज्य : महाराष्ट्र		
कम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
4	येळावी (निरंतर)		1966		00	00	30
			1973		00	65	03
			1975		00	08	52
			1978		00	14	68
			1977		00	03	48
			1980		00	05	81
			1981		00	06	81
			2056		00	05	74
			2057		00	11	91
			गट नंबर 2057 और 2060 के बीच का अस्फालटेड रास्ता		00	03	07
			2059		00	00	01
			2060		00	03	65
			2061		00	09	50
			गट नंबर 2061 और 2063 के बीच का गाडी रास्ता		00	02	38
			2063		00	12	17
			2064		00	00	97
			2065		00	06	31
			2066		00	05	85
			2047		00	11	63
			2046		00	10	33
			2044		00	05	36
			2042		00	05	88
			2041		00	02	64
			2235		00	03	23
			2236		00	06	24
			2260		00	21	71
			2256		00	11	91
			2258		00	14	12
			गट नंबर 2258 और 29 के बीच का अस्फालटेड रास्ता		00	02	51
			29		00	13	69
			27		00	18	59
			28		00	02	75
			30		00	06	88
			20		00	08	52

तालूका : पलुस		जिला : सांगली		राज्य : महाराष्ट्र			
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
4	येलावी (निरंतर)		गट नंबर 34 में रास्ता		00	02	52
			18		00	10	45
			35		00	03	28
			36		00	08	00
			37		00	19	91
			14		00	00	13
			38		00	12	28
			गट नंबर 39 में अस्फालटेड रास्ता		00	00	43
			गट नंबर 40 में अस्फालटेड रास्ता		00	04	17
			40		00	00	84
			गट नंबर 41 में अस्फालटेड रास्ता		00	00	08
			41		00	02	61
			42		00	02	80
			43		00	03	55
			44		00	02	70
			45		00	06	15
			46		00	06	45
			57		00	39	49
			55		00	34	07
			291		00	81	41
			290		00	05	02
			गट नंबर 290 और 285 के बीच का रास्ता		00	02	57
			285		00	41	17
			284		00	09	01
			283		00	05	48
			282		00	04	63
			281		00	05	23
			280		00	03	75
			279		00	09	08
			278		00	03	07
			277		00	03	92
			276		00	03	44
			275		00	04	04
			274		00	06	64
			273		00	02	85
			272		00	02	80

तालूका : पलुस			जिला : सांगली		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप–खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
4	येलावी (निरंतर)		271		00	03	19
			270		00	02	64
			266		00	04	82
			265		00	05	82
			264		00	10	55
			263		00	05	25
			262		00	06	55
			261		00	08	80
			260		00	08	79
			259		00	07	25
			258		00	10	26
			256		00	09	70
			257		00	09	84
			गट नंबर 257 में गाडी रास्ता		00	00	39
				कुल	10	98	22
5	हज़ारवाडी		5		00	17	96
			6		00	49	24
			गट नंबर 6 में मेटल्ड रास्ता		00	01	78
			8		00	38	52
			28		00	25	50
			27		00	10	17
			गट नंबर 27 और 129 के बीच का राज्य मार्ग 136		00	02	39
			129		00	10	02
			128		00	09	29
			132		00	09	31
			134		00	10	63
			135		00	06	79
			136		00	03	25
			137		00	05	45
			गट नंबर 141 और 137 के बीच का नाला		00	01	65
			137		00	07	39
			136		00	03	61
			135		00	09	31
			134		00	21	86
			133		00	18	38
			गट नंबर 125 में का नाला		00	04	27
			125		00	09	96

तालूका : पलुस			जिला : सांगली		राज्य : महाराष्ट्र		
कम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
5	हज़ारवाडी (निरंतर)		123		00	09	97
			121		00	09	12
			120		00	03	26
			गट नंबर 120 और 119 के बीच का राज्य मार्ग 136		00	02	70
			119	अ	00	42	30
			116		00	00	71
			115	अ	00	36	36
			115	ब	00	07	18
			गट नंबर 115/ब में मेटल्ड रास्ता		00	02	82
			गट नंबर 114 में मेटल्ड रास्ता		00	00	16
			64		00	07	80
			65		00	01	00
				कुल	**04**	**00**	**11**
6	वसगडे		153		00	51	23
				कुल	**00**	**51**	**23**

[फा. सं. आर-31015/27/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 8th July, 2005

S. O. 2594.— Whereas, by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2678 dated the 19th October, 2004 issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in land) Act, 1962 (50 of 1962), (herein after referred to as the said Act) published in the Gazette of India dated the 23rd October, 2004, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of Petroleum Products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharshtra by Hindustan Petroleum Corporation Limited;

And, whereas, copies of the said notification were made available to the public on the 24-02-2005;

And whereas, the Competent Authority has under of sub-section (1) of Section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying, the pipeline has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for layingthe pipeline shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in the Hindustan Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : PALUS			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	ANDHALI		Yerla River in between Gat No 735 & V.B		00	11	41
			735		00	36	33
			736		00	00	07
			738		00	16	01
			739		00	07	64
			740		00	00	10
			716		00	10	11
			741		00	08	52
			742		00	16	69
			745		00	00	74
			715		00	25	94
			714		00	08	70
			749		00	00	81
			711		00	54	03
			710		00	10	54
			709		00	20	27
			708		00	07	77
			Metalled Road in between Gat No 708 & 685		00	04	64
			685		00	06	17
			686		00	31	20
			687		00	03	92
			688	2	00	37	22
			655		00	05	20
			690		00	37	06
			652		00	20	41
			651		00	16	32
			635		00	38	29
			636		00	05	15
			584		00	07	08
			585		00	14	74
			579		00	01	17
			Cart Track in between Gat No 579 & 577		00	02	11
			577		00	17	88
			578		00	07	52
			327		00	00	01
			328		00	29	03
			329		00	47	36

Taluka : PALUS			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	ANDHALI (Contd.)		Metalled Road in Gat No 329		00	03	27
			Metalled Road in Gat No 328		00	00	48
			330		00	00	32
			290		00	25	57
			289		00	32	60
			288		00	08	37
			Cart Track in between Gat No 288 & 115		00	05	02
			115		00	20	28
			122		00	00	60
			116		00	26	97
			119		00	15	83
			121		00	28	62
			218		00	11	47
			217		00	28	93
			215		00	37	00
			214	1	00	09	87
			214	2	00	27	17
			213	1	00	11	70
			213	2	00	00	66
			181		00	04	00
			182		00	20	50
			208		00	10	82
			207		00	19	00
			Metalled Road in Gat No 207		00	01	39
			184		00	15	50
			189		00	01	30
			185		00	01	17
			188		00	32	63
				Total	09	69	20
2	MORALE		241		00	21	24
			240		00	07	20
			229		00	17	00
			239		00	03	60
			238		00	05	76
			237		00	04	32

Taluka : PALUS			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
2	MORALE (Contd.)		236		00	04	32
			235		00	03	60
			234		00	07	20
			233		00	05	04
			231		00	07	20
			230		00	05	76
				Total	**00**	**92**	**24**
3	BAMBAVADE		1031		00	25	22
			1032		00	17	04
			1036		00	52	90
			1037		00	23	04
			1042		00	00	02
			1041		00	11	23
			1039		00	01	48
			1040		00	24	46
			1039		00	18	28
			MDR - 19 in between Gat No. 1040 & 1017		00	08	61
			1017		00	07	33
			1016		00	13	64
			1014		00	06	63
			1002		00	03	88
			1001		00	02	24
			997		00	02	02
			996		00	03	32
			995		00	03	89
			994		00	05	10
			983		00	05	49
			1296		00	05	95
			984		00	07	51
			986		00	08	93
			952		00	17	38
			951		00	01	96
			Nala in Gat No. 951		00	01	59
			950		00	03	13
			949		00	12	08
			948		00	06	22
			947		00	07	30
			946		00	17	24

Taluka : PALUS			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
3	BAMBAVADE (Contd.)		Cart Track in between Gat No 946 & 926		00	03	23
			926		00	06	71
			925		00	04	30
			924		00	01	93
			923		00	01	18
			922		00	02	53
			921		00	02	57
			920		00	02	41
			914		00	05	67
			913		00	02	89
			910	C	00	30	64
			811		00	12	87
			815		00	14	81
			Cart Track in between Gat No 815 & 816		00	02	04
			816		00	06	78
			817		00	10	35
			819		00	04	50
			803		00	16	20
			800		00	01	57
			802		00	02	25
			801		00	01	35
			795		00	05	40
			796		00	06	12
			1291		00	06	11
			790		00	06	07
			789		00	07	10
			761		00	16	65
			SH - 75 in Gat No 761		00	03	15
			758		00	06	75
			756		00	04	50
			755		00	03	82
			754		00	13	50
			740		00	27	36
			739		00	10	42
			737		00	24	14
			735		00	10	39

Taluka : PALUS District : SANGLI State : MAHARASHTRA

Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
3	BAMBAVADE (Contd.)		734		00	05	79
			733		00	05	41
			731		00	01	27
			730		00	02	25
			729		00	02	06
			573		00	04	00
			Nala in between Gat No. 573 & 502		00	02	86
			502		00	04	42
			501		00	07	89
			500		00	05	48
			499		00	05	82
			498		00	14	31
			494		00	00	17
			495		00	04	98
			498		00	02	81
			496		00	02	92
			497		00	04	61
			1289		00	09	78
			513		00	15	91
			514		00	05	07
			515		00	06	81
			516		00	05	41
			517		00	04	57
			518		00	02	07
			Asphalted Road in between Gat No 518 & 422		00	04	07
			422		00	04	16
			421		00	05	75
			420		00	03	65
			419		00	01	15
			417		00	05	68
			416		00	02	25
			424		00	06	90
			425		00	02	46
			426		00	02	20
			427		00	00	49
			428		00	00	05
			405		00	14	02

Taluka : PALUS			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
3	BAMBAVADE (Contd.)		391		00	02	23
			408		00	16	64
			412		00	00	87
			409		00	13	56
			410		00	06	50
			407		00	00	01
			999		00	04	00
				Total	08	36	68
4	YELAVI		1598		00	02	76
			1599		00	00	13
			1600		00	09	22
			1607		00	04	02
			1606		00	04	37
			1604		00	10	84
			1603		00	04	85
			1646		00	09	94
			1645		00	16	22
			1644		00	14	01
			1643	A	00	11	98
			1675		00	06	14
			1688		00	32	63
			1640		00	00	40
			1692		00	13	95
			1693		00	19	82
			1710		00	00	70
			1709		00	32	26
			1708		00	11	73
			1707		00	00	53
			1733		00	40	01
			Asphalted Road in between Gat No 1733 & 1946		00	01	81
			1946		00	27	50
			1953		00	04	14
			1952		00	13	14
			1946		00	06	93
			1950		00	04	87
			1949		00	08	02
			1969		00	05	00
			1968		00	11	00
			1967		00	09	25

Taluka : PALUS			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
4	YELAVI (Contd.)		1966		00	00	30
			1973		00	65	03
			1975		00	08	52
			1978		00	14	68
			1977		00	03	48
			1980		00	05	81
			1981		00	06	81
			2056		00	05	74
			2057		00	11	91
			Asphalted Road in between Gat No 2057 & 2060		00	03	07
			2059		00	00	01
			2060		00	03	65
			2061		00	09	50
			Cart Track in between Gat No 2061 & 2063		00	02	38
			2063		00	12	17
			2064		00	00	97
			2065		00	06	31
			2066		00	05	85
			2047		00	11	63
			2046		00	10	33
			2044		00	05	36
			2042		00	05	88
			2041		00	02	64
			2235		00	03	23
			2236		00	06	24
			2260		00	21	71
			2256		00	11	91
			2258		00	14	12
			Metalled Road in between Gat No 2258 & 29		00	02	51
			29		00	13	69
			27		00	18	59
			28		00	02	75
			30		00	06	88
			20		00	08	52

Taluka : PALUS		District : SANGLI			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
4	YELAVI (Contd.)		Mud Road in Gat No 34		00	02	52
			18		00	10	45
			35		00	03	28
			36		00	08	00
			37		00	19	91
			14		00	00	13
			38		00	12	28
			Asphalted Road in Gat No 39		00	00	43
			Asphalted Road in Gat No 40		00	04	17
			40		00	00	84
			Asphalted Road in Gat No 41		00	00	08
			41		00	02	61
			42		00	02	80
			43		00	03	55
			44		00	02	70
			45		00	06	15
			46		00	06	45
			57		00	39	49
			55		00	34	07
			291		00	81	41
			290		00	05	02
			Road in between Gat No 290 & 285		00	02	57
			285		00	41	17
			284		00	09	01
			283		00	05	48
			282		00	04	63
			281		00	05	23
			280		00	03	75
			279		00	09	08
			278		00	03	07
			277		00	03	92
			276		00	03	44
			275		00	04	04
			274		00	06	64
			273		00	02	85
			272		00	02	80

Taluka : PALUS		District : SANGLI		State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
4	YELAVI (Contd.)		271		00	03	19
			270		00	02	64
			266		00	04	82
			265		00	05	82
			264		00	10	55
			263		00	05	25
			262		00	06	55
			261		00	08	80
			260		00	08	79
			259		00	07	25
			258		00	10	26
			256		00	09	70
			257		00	09	84
			Cart Track in Gat No 257		00	00	39
				Total	10	98	22
5	HAZARWADI		5		00	17	96
			6		00	49	24
			Metalled Road in Gat No 6		00	01	78
			8		00	38	52
			28		00	25	50
			27		00	10	17
			SH - 136 in between Gat No 27 & 129		00	02	39
			129		00	10	02
			128		00	09	29
			132		00	09	31
			134		00	10	63
			135		00	06	79
			136		00	03	25
			137		00	05	45
			Nala in between Gat No.141 & 137		00	01	65
			137		00	07	39
			136		00	03	61
			135		00	09	31
			134		00	21	86
			133		00	18	38
			Nala in Gat No. 125		00	04	27
			125		00	09	96

Taluka : PALUS		District : SANGLI			State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
5	HAZARWADI (Contd.)		123		00	09	97
			121		00	09	12
			120		00	03	26
			SH - 136 in between Gat No 120 & 119		00	02	70
			119	A	00	42	30
			116		00	00	71
			115	A	00	36	36
			115	B	00	07	18
			Metalled Road in Gat No 115/B		00	02	82
			Metalled Road in Gat No 114		00	00	16
			64		00	07	80
			65		00	01	00
				Total	**04**	**00**	**11**
6	VASAGDE		153		00	51	23
				Total	**00**	**51**	**23**

[No. R-31015/27/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 8 जुलाई, 2005

का. आ. 2595.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि महाराष्ट्र राज्य में लोनी (पुणे) से पकनी (सोलापुर) तक हज़ारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री. एस. एन. कुन्देतकर, सक्षम प्राधिकारी, मुम्बई-पुणे पाइपलाइन विस्तार परियोजना (लोनी से पकनी तक हज़ारवाडी के रास्ते), हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड, मेगा सेंटर, मगरपट्टा – एम व एन विंग, हादापसर-411 028 (पुणे जिला), महाराष्ट्र को लिखित रुप में आक्षेप भेज सकेगा।

अनुसूची

तालूका : पलुस			जिला : सांगली		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	आंधली		738		00	02	92
			116		00	05	78
			213	2	00	04	29
			208		00	30	54
			189		00	06	30
			190		00	06	16
			191		00	01	19
			209		00	08	88
			206		00	00	60
				कुल	**00**	**66**	**66**
2	मोराले		241		00	06	65
			240		00	04	27
			239		00	00	60
			238		00	00	60
			233		00	00	71
			231		00	00	60
				कुल	**00**	**13**	**43**
3	बांबवडे		1036		00	01	43
			1040		00	05	85
			1016		00	00	71
			1014		00	00	49
			1059		00	00	30
			1000		00	03	83
			995		00	00	53
			984		00	02	50
			951		00	00	30
			950		00	02	41
			948		00	00	30
			925		00	01	16
			924		00	00	30
			923		00	00	62
			803		00	01	34
			796		00	00	65
			1291		00	00	37
			761		00	01	85
			760		00	00	30
			756		00	00	44
			755		00	00	80
			754		00	00	60

तालूका : पलुस		जिला : सांगली			राज्य : महाराष्ट्र		
कम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप–खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
3	बांबवडे (निरंतर)		734		00	04	49
			494		00	00	48
			497		00	02	63
			427		00	01	74
			405		00	00	48
			412		00	07	05
				कुल	**00**	**43**	**95**
4	यैलावी		1607		00	06	82
			1605		00	04	85
			1643	ब	00	11	98
			1688		00	02	38
			1734		00	26	83
			1953		00	02	77
			1949		00	06	83
			1968		00	02	98
			1973		00	01	12
			1980		00	01	28
			2059		00	00	20
			2060		00	01	02
			2256		00	00	78
			19		00	00	60
			18		00	19	69
			35		00	09	51
			37		00	01	94
			14		00	00	17
			46		00	00	70
			279		00	01	08
			275		00	00	41
			270		00	00	15
			266		00	00	77
			265		00	00	20
			262		00	01	02
			258		00	03	42
			257		00	00	41
				कुल	**01**	**09**	**91**
5	हज़ारवाडी		6		00	02	20
			8		00	34	12
			129		00	08	80
			134		00	00	85
			135		00	00	60
			136		00	00	37

तालूका : पलुस			जिला : सांगली		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
5	हजारवाडी (निरंतर)		116		00	07	34
			66		00	73	00
			64		00	28	79
				कुल	01	56	07

[फा. सं. आर-31015/27/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 8th July, 2005

S. O. 2595.— Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra, an extension pipeline should be laid by Hindustan Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule may, within twenty one days from the date on which the copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri S.N. Kundetkar, Competent Authority, Mumbai-Pune Pipeline Extension Project (from Loni to Pakni via Hazarwadi), Hindustan Petroleum Corporation Limited, Mega Center, Magarpatta – M & N Wing, Hadapsar – 411 028 (Pune District), Maharashtra.

SCHEDULE

Taluka : PALUS			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	ANDHALI		738		00	02	92
			116		00	05	78
			213	2	00	04	29
			208		00	30	54
			189		00	06	30
			190		00	06	16
			191		00	01	19
			209		00	08	88
			206		00	00	60
				Total	00	66	66
2	MORALE		241		00	06	65
			240		00	04	27
			239		00	00	60
			238		00	00	60
			233		00	00	71
			231		00	00	60
				Total	00	13	43
3	BAMBAVADE		1036		00	01	43
			1040		00	05	85
			1016		00	00	71
			1014		00	00	49
			1059		00	00	30
			1000		00	03	83
			995		00	00	53
			984		00	02	50
			951		00	00	30
			950		00	02	41
			948		00	00	30
			925		00	01	16
			924		00	00	30
			923		00	00	62
			803		00	01	34
			796		00	00	65
			1291		00	00	37
			761		00	01	85
			760		00	00	30
			756		00	00	44
			755		00	00	80
			754		00	00	60

Taluka : PALUS			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
3	BAMBAVADE (Contd.)		734		00	04	49
			494		00	00	48
			497		00	02	63
			427		00	01	74
			405		00	00	48
			412		00	07	05
				Total	**00**	**43**	**95**
4	YELAVI		1607		00	06	82
			1605		00	04	85
			1643	B	00	11	98
			1688		00	02	38
			1734		00	26	83
			1953		00	02	77
			1949		00	06	83
			1968		00	02	98
			1973		00	01	12
			1980		00	01	28
			2059		00	00	20
			2060		00	01	02
			2256		00	00	78
			19		00	00	60
			18		00	19	69
			35		00	09	51
			37		00	01	94
			14		00	00	17
			46		00	00	70
			279		00	01	08
			275		00	00	41
			270		00	00	15
			266		00	00	77
			265		00	00	20
			262		00	01	02
			258		00	03	42
			257		00	00	41
				Total	**01**	**09**	**91**
5	HAZARWADI		6		00	02	20
			8		00	34	12
			129		00	08	80
			134		00	00	85
			135		00	00	60
			136		00	00	37

Taluka : PALUS District : SANGLI State : MAHARASHTRA

Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
5	HAZARWADI (Contd.)		116		00	07	34
			66		00	73	00
			64		00	28	79
				Total	01	56	07

[No. R-31015/27/2004-O.R.-II]

HARISH KUMAR, Under Secy.

नई दिल्ली, 12 जुलाई, 2005

का. आ. 2596.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का आ 2732 तारीख 26 अक्तूबर, 2004, जो भारत के राजपत्र तारीख 30 अक्तूबर, 2004 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में लोणी (पुणे) से पकनी (सोलापुर) तक हज़ारवाडी के रास्ते पेट्रोलियम उत्पादों के परिवहन के लिए मुम्बई-पुणे पाइपलाइन विस्तार परियोजना के माध्यम से हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 10 दिसम्बर, 2004, को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, हिन्दुस्तान पेट्रोलियम कॉर्पोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तालूका : कवठे महांकाळ जिला : सांगली राज्य : महाराष्ट्र

कम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
1	तिसंगी		461		00	19	34
			470		00	20	69
			468		00	00	15
			469		00	12	35
			471		00	10	11
			482		00	32	86
			483		00	23	54
			484		00	22	77
			489		00	21	49
			490		00	43	98
			492		00	07	12
			493		00	23	55
			494		00	35	24
			502		00	26	91
			501		00	02	32
			गट नंबर 501 और 502 के बीच का रास्ता		00	02	28
			500	ब	00	05	29
			645		00	02	59
			646		00	16	30
			647		00	00	33
			648		00	25	15
			649		00	12	19
			673		00	28	08
			672		00	12	66
			674		00	04	83
			670		00	20	50
			669		00	03	96
			678		00	01	20
			668		00	15	75
			667		00	07	87
			665		00	00	26
			666		00	08	20
			679		00	00	10
				कुल	**04**	**69**	**96**
2	घाट्नांद्रे		79		00	17	50
			78		00	00	07
			100		00	11	32
			99		00	08	27

तालूका : कवठे महांकाळ		जिला : सांगली			राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
2	घाटनांद्रे (निरंतर)		98		00	18	27
			97		00	05	00
			81		00	02	27
			96		00	01	21
			95		00	26	09
			94		00	09	95
			182		00	10	20
			181		00	00	08
			179		00	09	37
			183		00	20	28
			193		00	06	03
			192		00	00	35
			191		00	19	27
			246		00	00	74
			250		00	12	84
			248		00	00	98
			251		00	07	92
			254		00	09	30
			263		00	02	27
			262		00	04	86
			261		00	07	62
			260		00	03	02
			258		00	02	61
			257		00	06	83
			284		00	04	27
			282		00	05	57
			285		00	00	51
			गट नंबर 285 और 592 के बीच का नाला		00	02	99
			592		00	02	55
			598		00	00	02
			595		00	04	20
			594		00	05	59
			593		00	10	27
			589		00	05	61
			588		00	07	08
			587		00	10	17
			586		00	10	02
			585		00	02	72

तालूका : कवठे महांकाळ			जिला : सांगली		राज्य : महाराष्ट्र		
क्रम सं.	गाव का नाम	सर्वे नंबर	गट नंबर	उप-खण्ड सं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6	7	8
2	घाटनांद्रे (निरंतर)		गट नंबर 585 और 578 के बीच का नाला		00	04	42
			578		00	41	74
			गट नंबर 578 और 817 के बीच का राज्य मार्ग 78		00	03	26
			817		00	17	33
			818		00	31	50
			819		00	22	44
			821		00	42	13
			822		00	44	77
			823		00	52	86
			गट नंबर 823 के बीच का रास्ता		00	02	05
			824		00	33	48
				कुल	05	92	07

[फा. सं. आर-31015/30/2004-ओ.आर-II]

हरीश कुमार, अवर सचिव

New Delhi, the 12th July, 2005

S. O. 2596.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2732, dated the 26th October, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 30th October, 2004, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of petroleum products through Mumbai-Pune Pipeline Extension Project from Loni (Pune) to Pakni (Solapur) via Hazarwadi in the State of Maharashtra by Hindustan Petroleum Corporation Limited;

And, whereas, copies of the said notification were made available to the public on the 10th December,2004;

And whereas, the Competent Authority has under of sub-section (1) of Section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying, the pipeline has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for layingthe pipeline shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in the Hindustan Petroleum Corporation Limited free from all encumbrances.

SCHEDULE

Taluka : KAVTHE MAHANKAL			District : SANGLI	State : MAHARASHTRA			
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
1	TISANGI		461		00	19	34
			470		00	20	69
			468		00	00	15
			469		00	12	35
			471		00	10	11
			482		00	32	86
			483		00	23	54
			484		00	22	77
			489		00	21	49
			490		00	43	98
			492		00	07	12
			493		00	23	55
			494		00	35	24
			502		00	26	91
			501		00	02	32
			Road in between Gat No. 501 & 502		00	02	28
			500	B	00	05	29
			645		00	02	59
			646		00	16	30
			647		00	00	33
			648		00	25	15
			649		00	12	19
			673		00	28	08
			672		00	12	66
			674		00	04	83
			670		00	20	50
			669		00	03	96
			678		00	01	20
			668		00	15	75
			667		00	07	87
			665		00	00	26
			666		00	08	20
			679		00	00	10
				Total	04	69	96
2	GHATNANDRE		79		00	17	50
			78		00	00	07
			100		00	11	32
			99		00	08	27

Taluka : KAVTHE MAHANKAL District : SANGLI State : MAHARASHTRA

Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
2	GHATNANDRE (Contd.)		98		00	18	27
			97		00	05	00
			81		00	02	27
			96		00	01	21
			95		00	26	09
			94		00	09	95
			182		00	10	20
			181		00	00	08
			179		00	09	37
			183		00	20	28
			193		00	06	03
			192		00	00	35
			191		00	19	27
			246		00	00	74
			250		00	12	84
			248		00	00	98
			251		00	07	92
			254		00	09	30
			263		00	02	27
			262		00	04	86
			261		00	07	62
			260		00	03	02
			258		00	02	61
			257		00	06	83
			284		00	04	27
			282		00	05	57
			285		00	00	51
			Nala in between Gat No 285 & 592		00	02	99
			592		00	02	55
			598		00	00	02
			595		00	04	20
			594		00	05	59
			593		00	10	27
			589		00	05	61
			588		00	07	08
			587		00	10	17
			586		00	10	02
			585		00	02	72

Taluka : KAVTHE MAHANKAL			District : SANGLI		State : MAHARASHTRA		
Sr. No.	Name of the Village	Survey No.	Gat No.	Sub-Division No.	Area		
					Hectare	Are	Sq.mt
1	2	3	4	5	6	7	8
2	GHATNANDRE (Contd.)		Stream in between Gat No. 585 & 578		00	04	42
			578		00	41	74
			SH - 78 in between Gat No 578 & 817		00	03	26
			817		00	17	33
			818		00	31	50
			819		00	22	44
			821		00	42	13
			822		00	44	77
			823		00	52	86
			Road in between Gat No. 823		00	02	05
			824		00	33	48
				Total	05	92	07

[No. R-31015/30/2004-O.R.-II]
HARISH KUMAR, Under Secy.

नई दिल्ली, 12 जुलाई, 2005

का. आ. 2597.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 632 तारीख 21 फरवरी, 2005, जो भारत के राजपत्र तारीख 26 फरवरी, 2005 में प्रकाशित की गई थी, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई–मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 7 मई, 2005 को उपलब्ध करा दी गई थीं ;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात , और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा ।

अनुसूची

तहसील : सपोटरा जिला : करौली राज्य : राजस्थान

क. सं.	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1.	नीमोदा	11	0.0720
		12	0.1728
		13	0.2160
		15	0.1008
		14	0.3960
		18	0.0864
		5	0.3740
		2	0.1080
		1	0.5040
		1/38	0.0072
		1/35	0.0144
		1/37	0.0072
		1/50	0.0720
2.	एदलपुर	202	0.0432
		210	0.0936
		209	0.0648
		208	0.0864
		207	0.0720
		206	0.1224
		217	0.1224
		243	0.1080
		252	0.0144
		244	0.0432
		245	0.0360
		241	0.0144
		240	0.0432
		246	0.0144
		239	0.0720
		232	0.0288
		238	0.0144
		233	0.0648
		234	0.0720
		265	0.1080
		268	0.1800
		339	0.1008
		339/2	0.3600
		340	0.0144
		336	0.2760
		328	0.0360

1	2	3	4
2.	एदलपुर (जारी ....)	329	0.1944
		326	0.1152
		325	0.0720
		324	0.1224
		319	0.1728
3.	मांडा	53	0.2808
		51	0.3240
		47	0.1872
		42	0.2304
		41	0.0144
		39	0.0072
		40	0.0792
		35	0.0036
		36	0.0648
		8	0.3024
		99	0.0020
		98	0.1842
		97	0.0074
		87	0.7632
		83	0.0936
		81	0.0072
		75	1.3464
4.	खेड़ला	416	0.1008
		417	0.0020
		400	0.1080
		399	0.1008
		394	0.0072
		395	0.1584
		398	0.0036
		392	0.1944
		383	0.0072
		384	0.1584
		381	0.0036
		385	0.0576
		386	0.0576
		378	0.1080
		375	0.1512
		376	0.1368
		368	0.1512
		366	0.1008
		364	0.1944
		363	0.1728
		350	0.1440
		349	0.1224
		347	0.1008
		348	0.0072
		338	0.0072
		336	0.2520
		315	0.2952
		337	0.0020
		312	0.0648
		311	0.1440
		294	0.0216
		278	0.2232
		279	0.2160
		267	1.1520
		160	0.1512
		162	0.4464
		164	0.0288
		243	0.0576
		239	0.1224
		238	0.0360
		168	0.1872

1	2	3	4
4.	खेडला (जारी ....)	204	0.0288
		205	0.0936
		203	0.0288
		202	0.0216
		207	0.0936
		195	0.0720
		194	0.0360
		209	0.0072
		210	0.3744
		211	0.0216
		674	0.0072
		675	0.1008
		676	0.1224
		677	0.0010
		722	0.2520
		724	0.0360
		723	0.0576
		717	0.6696
		716	0.0288

(फा.सं. आर–31015/87/2004–ओआर–II)
हरीश कुमार, अवर सचिव

New Delhi, the 12th July, 2005

S. O. 2597.— Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O.632, dated the 21st February, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), published in the Gazette of India dated the 26th February, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited ;

And whereas the copies of the said Gazette notification were made available to the public on the 7th May, 2005;

And whereas the Competent Authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein ;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : SAPOTRA DISTT : KARAULI STATE : RAJASTHAN

S. No.	VILLAGE NAME	SURVEY NO.	AREA IN HACTARE
1	2	3	4
1.	Nimoda	11	0.0720
		12	0.1728
		13	0.2160
		15	0.1008
		14	0.3960
		18	0.0864
		5	0.3740
		2	0.1080
		1	0.5040

1	2	3	4
1.	Nimoda (Contd......)	1/38	0.0072
		1/35	0.0144
		1/37	0.0072
		1/50	0.0720
2.	Aidalpur	202	0.0432
		210	0.0936
		209	0.0648
		208	0.0864
		207	0.0720
		206	0.1224
		217	0.1224
		243	0.1080
		252	0.0144
		244	0.0432
		245	0.0360
		241	0.0144
		240	0.0432
		246	0.0144
		239	0.0720
		232	0.0288
		238	0.0144
		233	0.0648
		234	0.0720
		265	0.1080
		268	0.1800
		339	0.1008
		339/2	0.3600
		340	0.0144
		336	0.2760
		328	0.0360
		329	0.1944
		326	0.1152
		325	0.0720
		324	0.1224
		319	0.1728
3.	Manda	53	0.2808
		51	0.3240
		47	0.1872
		42	0.2304
		41	0.0144
		39	0.0072
		40	0.0792
		35	0.0036
		36	0.0648
		8	0.3024
		99	0.0020
		98	0.1842
		97	0.0074
		87	0.7632
		83	0.0936
		81	0.0072
		75	1.3464
4.	Khedla	416	0.1008
		417	0.0020
		400	0.1080
		399	0.1008
		394	0.0072
		395	0.1584
		398	0.0036
		392	0.1944
		383	0.0072
		384	0.1584

1	2	3	4
4.	Khedla (Contd......)	381	0.0036
		385	0.0576
		386	0.0576
		378	0.1080
		375	0.1512
		376	0.1368
		368	0.1512
		366	0.1008
		364	0.1944
		363	0.1728
		350	0.1440
		349	0.1224
		347	0.1008
		348	0.0072
		338	0.0072
		336	0.2520
		315	0.2952
		337	0.0020
		312	0.0648
		311	0.1440
		294	0.0216
		278	0.2232
		279	0.2160
		267	1.1520
		160	0.1512
		162	0.4464
		164	0.0288
		243	0.0576
		239	0.1224
		238	0.0360
		168	0.1872
		204	0.0288
		205	0.0936
		203	0.0288
		202	0.0216
		207	0.0936
		195	0.0720
		194	0.0360
		209	0.0072
		210	0.3744
		211	0.0216
		674	0.0072
		675	0.1008
		676	0.1224
		677	0.0010
		722	0.2520
		724	0.0360
		723	0.0576
		717	0.6696
		716	0.0288

[F.No.R-31015/87/2004-OR-II]

Harish Kumar, Under Secretary

नई दिल्ली, 12 जुलाई, 2005

का. आ. 2598.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि मध्यप्रदेश राज्य में मांगल्या (इंदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए भारत पेट्रोलियम कार्पोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में, जो इससे उपाबद्ध अनुसूची में वर्णित है, जिसमें उक्त पाइपलाइन बिछाए जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50), की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको इस अधिसूचना से युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के अर्जन के सम्बन्ध में श्री दीपक नंदी, सक्षम प्राधिकारी, मुम्बई - मांगल्या पाइपलाइन विस्तार परियोजना, भारत पेट्रोलियम कारपोरेशन लिमिटेड, 1—सी, बाल मंदिर कॉलोनी, होटल पिंक पैलेस के पास , सवाई माधोपुर-322001 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची

तहसील : सपोटरा जिला : करौली राज्य : राजस्थान

क्र. सं.	गावं का नाम	सर्वे नंबर	क्षेत्रफल हैक्टेयर में
1	2	3	4
1.	एदलपुर	267	0.1440
		203	0.0050
		327	0.0050
2.	मांडा	8	0.1757
		87	0.1116
		46	0.0144
3.	खेडला	396	0.0050

(फा.सं. आर—31015/87/2004—ओआर—II)
हरीश कुमार , अवर सचिव

New Delhi, the 12th July, 2005

S.O. 2598.—Whereas it appears to the Central Government that it is necessary in the public interest that for the transportation of petroleum products from Manglya (Indore) terminal in the State of Madhya Pradesh, an extension pipeline to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi should be laid by Bharat Petroleum Corporation Limited;

And whereas it appears to the Central Government that for the purpose of laying such pipeline it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person, interested in the land described in the said Schedule, may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Deepak Nandi, Competent Authority, Mumbai-Manglya Pipeline Extension Project, Bharat Petroleum Corporation Limited, 1-C, Bal Mandir Colony, Near Hotel Pink Palace, Sawai Madhopur-322001(Rajasthan).

SCHEDULE

TEHSIL : SAPOTRA		DISTT : KARAULI	STATE : RAJASTHAN
S. No.	**VILLAGE NAME**	**SERVEY NO.**	**AREA IN HACTARE**
1	2	3	4
1.	Aidalpur	267	0.1440
		203	0.0050
		327	0.0050
2.	Manda	8	0.1757
		87	0.1116
		46	0.0144
3.	Khedla	396	0.0050

[F.No.R-31015/87/2004-OR-II]

Harish Kumar, Under Secretary

नई दिल्ली, 13 जुलाई, 2005

का. आ. 2599.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 3033 तारीख 16 नवम्बर, 2004, जामनगर - भोपाल और काकीनाडा - हैदराबाद - गोवा पाइपलाइन को आपस में जोडने के लिए गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कम्पनी लिमीटेड द्वारा एक पाइपलाइन बिछाने के प्रयोजन के लिए उक्त अधिसूचना के संलग्न अनूसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और, उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को तारीख 22 दिसम्बर , 2004 को उपलब्ध करा दी गई थी;

और पाइपलाइन बिछाने के संबंध में जनता की ओर से प्राप्त आक्षेपों पर सक्षम प्राधिकारी द्वारा विचार कर लिया गया है और अननुज्ञात कर दिया गया;

और, सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर कि उक्त भूमि में पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अत: अव, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में पाइपलाइन बिछाने के संबंध मे उपयोग का अधिकार इस घोपणा के प्रकाशन की तारीख से केन्द्रीय सरकार मे निहित होने के बजाए, सभी विल्लंगमों से मुक्त, गैस ट्रान्सपोर्टेशन एंड इन्फ्रास्ट्रक्चर कंपनी लिमिटेड में निहित होगा।

अनुसूची

तहसील : उमरगाम	जिला : वलसाड	राज्य : गुजरात

गांव का नाम	सर्वे नंबर / ब्लोक नं	आर ओ यु अजित करने के लिये क्षेत्रफल		
		हेकटर	आरे	चो॰मी
1	2	3	4	5
1. झरोली	252	0	79	89
	251	0	8	74
	253	0	1	22
	254	0	22	24
	244	0	59	66
	243	0	7	71
	242	0	8	98
	241	0	22	27
	240	0	16	47
	238	0	75	66
	237	0	14	18
	236/पै/1	0	16	13
	233	0	56	7
	232	0	35	54
	228	0	29	57
	231	0	3	73
	229	0	21	5
	230	0	1	52
	225	0	31	11
	224	1	11	95
	223	0	7	82
	202	0	76	58
	203	0	3	1
	192	0	57	85
	191	0	35	50
	189	0	11	60
	188	0	23	14
	187	0	12	47
	330 ब	0	0	70
	330 क	0	9	98
	330 ड	0	4	7
	186	0	16	89
	184	0	50	45
	185	0	14	40
	175	0	38	79
	176	0	28	84
	174	0	71	32
	167	0	46	40
	168	0	4	76
	165	0	48	76
	166	0	12	60

1	2	3	4	5
निरंतर झरेाली	161	0	45	45
	162	0	1	22
	116	0	33	84
	158	0	73	92
	154	0	0	83
	155	0	48	23
	157	0	24	23
	141	0	70	82
	139	1	45	1
	129	0	85	15
2. भीलाड	123	0	60	20
	119	1	47	64
	117	0	77	23
	115	0	2	16
	107	0	57	2
	104	0	40	36
	96	0	19	9
	97	0	12	84
	93	0	14	14
	95	0	10	97
	90	1	22	56
	91	0	3	60
3. वेारलाइ	87	0	35	42
	88	0	35	27
	86	0	11	6
	89	0	18	3
	102	0	5	31
	172	0	0	20
	184	0	28	7
	92	0	15	34
	78	0	12	48
	77	0	84	58
	75	0	74	70
	76	0	25	78
	64	0	26	36
	67	0	3	84
	65	0	0	49
	68	0	9	42
	66	0	9	27
	57	0	9	81
	58	0	13	62
	31	0	0	18
	33	0	57	50
	34	0	23	71
	35	0	26	93
	26	0	19	87
	24	0	13	89
	25	0	19	34
	20	0	17	60

1	2	3	4	5
4. अच्छारी	74/2/1पि	0	59	78
	74/1	0	5	54
	75	0	0	22
	76	0	16	38
	72	0	26	89
	71/1	0	84	5
	71/2	0	5	42
	70/3/पि	0	1	50
	70/1/पि	0	38	98
	37/5	0	2	61
	37/1	0	62	4
	36/7	0	17	15
	36/4	.0	9	57
	36/6	0	12	92
	36/5	0	0	1
	44/1	0	1	20
	45/3/1पि	0	3	20
	45/1/1पि	0	19	71
	45/7	0	48	86

[फा. सं. एल-14014/40/2004-जी.पी.]

एस. बी. मण्डल, अवर सचिव

New Delhi, the 13th July, 2005

S. O. 2599.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 3033 , dated the 16th November, 2004, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land , specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of natural gas through an interconnection between Jamnagar - Bhopal and Kakinada - Hydrabad - Goa Pipeline by Gas Transportation and Infrastructure Company Limited;

And, whereas the copies of the said Gazette notification were made available to the public on the 22nd December, 2004;

Objection received from the public to the laying of the Pipeline have been considered and dissolved by the Competent Authority;

And whereas, the Competent Authority has under of sub-section (1) of Section 6 of the said Act has submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report and on being satisfied that the said land is required for laying, the pipeline has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the Schedule is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for layingthe pipeline shall, instead of vesting in the Central Government, vest on the date of publication of this declaration, in the Gas Transportation and Infrastructure Company Limited free from all encumbrances.

SCHEDULE

Tehsil : Umargam	District : Valsad	State : Gujarat

Name of the Village	Survey No./Block No.	Area to be acquired for ROU		
		Hectare	Are	Sq.m
1	2	3	4	5
1. Zaroli	252	0	79	89
	251	0	8	74
	253	0	1	22
	254	0	22	24
	244	0	59	66
	243	0	7	71
	242	0	6	98
	241	0	22	27
	240	0	16	47
	238	0	75	66
	237	0	14	18
	235/P/1	0	16	13
	233	0	56	7
	232	0	35	54
	228	0	29	57
	231	0	3	73
	229	0	21	5
	280	0	1	52
	225	0	31	11
	224	1	11	95
	223	0	7	82
	202	0	78	58
	203	0	3	1
	192	0	57	85
	191	0	35	50
	189	0	11	60
	188	0	23	14
	187	0	12	47
	330 B	0	0	70
	330 C	0	5	98
	330 D	0	4	7
	186	0	16	89
	184	0	50	45
	185	0	14	40
	175	0	38	79
	176	0	28	84
	174	0	71	32
	167	0	46	40
	168	0	4	76

1	2	3	4	5
Cont'd Zaroli	165	0	48	76
	166	0	12	60
	161	0	45	45
	162	0	1	22
	116	0	33	84
	158	0	73	92
	154	0	0	83
	155	0	48	23
	157	0	24	23
	141	0	70	82
	139	1	45	1
	129	0	85	15
2. Bhilad	123	0	60	20
	119	1	47	64
	117	0	77	23
	115	0	2	16
	107	0	57	2
	104	0	40	36
	96	0	19	9
	97	0	12	84
	93	0	14	14
	95	0	10	97
	90	1	22	56
	91	0	3	60
3. Borlai	87	0	35	42
	88	0	35	27
	86	0	11	6
	89	0	18	3
	102	0	5	31
	172	0	0	20
	184	0	28	7
	92	0	15	34
	78	0	12	48
	77	0	84	58
	75	0	74	70
	76	0	25	78
	64	0	26	36
	67	0	3	84
	65	0	0	49
	68	0	9	42
	66	0	9	27
	57	0	9	81
	58	0	13	62
	31	0	0	18
	33	0	57	50
	34	0	23	71
	35	0	26	93
	26	0	19	87

1	2	3	4	5
Cont'd Borlai	24	0	13	89
	25	0	19	34
	20	0	17	60
4. Achchhari	74/2/1P	0	59	78
	74/1	0	5	54
	75	0	0	22
	76	0	16	38
	72	0	26	89
	71/1	0	84	5
	71/2	0	5	42
	70/3/P	0	1	50
	70/1/P	0	38	98
	37/5	0	2	61
	37/1	0	62	4
	36/7	0	17	15
	36/4	0	9	57
	36/6	0	12	92
	36/5	0	0	1
	44/1	0	1	20
	45/3/1P	0	3	20
	45/1/1P	0	19	71
	45/7	0	48	86

[F. No. L-14014/40/2004-G.P.]
S. B. MANDAL, Under Secy.

नई दिल्ली, 18 जुलाई, 2005

का. आ. 2600.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया हैं) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 930 तारीख 2 मार्च, 2005, जो भारत के राजपत्र तारीख 12 मार्च, 2005 में प्रकाशित की गई थी,, द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मध्यप्रदेश राज्य में मांगल्या (इदौर) संस्थापन से हरियाणा राज्य में पियाला तथा दिल्ली राष्ट्रीय राजधानी क्षेत्र में बिजवासन तक पेट्रोलियम उत्पादों के परिवहन के लिए मुंबई–मांगल्या पाइपलाइन विस्तार परियोजना के माध्यम से भारत पेट्रोलियम कारपोरेशन लिमिटेड द्वारा एक विस्तार पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 13 मई, 2005 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने, उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन, केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चिय किया है;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह घोषणा करती है कि अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता हैं;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख को केन्द्रीय सरकार में निहित होने की बजाए, सभी विल्लंगमों से मुक्त, भारत पेट्रोलियम कारपोरेशन लिमिटेड में निहित होगा।

अनुसूची

तहसील : वसंत विहार जिला : दक्षिण पश्चिम राज्य : दिल्ली

क0	ग्राम का नाम	सर्वे नंबर	क्षेत्रफल हेक्टेयर में
1	2	3	4
1.	समालखा	40/ 6/3	0.0160
		12	0.0020
		36/ 2/2	0.0050
		3	0.0160
		4	0.1230
		7	0.0060
		8	0.1130
		12	0.0260
		13	0.1020
		19	0.1150
		21	0.1350
		32/ 5	0.0480
		6	0.0040
		15	0.0900
		16	0.1250
		24	0.1040
		25	0.0070
		33/ 1	0.1100
		10	0.1250
		11	0.0050
		56/21	0.0320
		22/ 5	0.1140
		25	0.5010
		17/ 5	0.1550
		6	0.1240
		15	0.1210
		16	0.1070
		25	0.1190
		8/ 5	0.0940
		6	0.0310
		15	0.0710
		25/02	0.1550
		7/ 1	0.0260
		10	0.0640
		11	0.0480
		16	0.0910
		20	0.0250
		21	0.0040
		6/21	0.0010
		5/16	0.0010
		17	0.0270
		18	0.0850
		19	0.1250
		20	0.1230
		23	0.0200
		24	0.0670
		25	0.1650

1	2	3	4
	समालखा (जारी...)	**4**/11/2	0.1210
		12	0.1090
		13/1	0.0260
		13/2	0.0240
		14/1	0.0040
		16	0.1300
		17	0.1140
		18	0.0600
		19	0.0080
		3/11	0.0090
		12	0.0640
		13	0.0810
		14	0.0860
		15	0.1260
		56 (राष्ट्रीय राजमार्ग)	0.1650
		49 (राष्ट्रीय राजमार्ग)	0.0650
		53 (राष्ट्रीय राजमार्ग)	0.2310
	बिजवासन	**1**/13	0.0050
		14	0.1070
		15	0.0100
		16/1/2	0.1040
		17/1	0.0220
		25/1	0.1260
		2/17	0.0060
		18	0.0990
		19	0.1230
		20	0.1180
		21	0.0760
		23/1	0.0300
		24/1	0.1140
		6/ 1	0.0560
		2	0.1290
		3	0.1150
		4	0.0850
		5	0.0050
		6	0.1160
		7	0.0340
		5/ 9	0.0010
		10	0.0520
		12	0.0140
		13	0.0380
		14	0.0020
	नांगल देवत	733	0.0030
		939	0.0810
		940	0.1260
		941	0.0300
		942	0.0970
		943	0.1090
		944	0.0180
		946	0.1310

1	2	3	4
3.	नांगल देवत (जारी..)	948	0.1230
		951	0.1250
		957/2	0.0110
		958	0.0860
		959	0.0420
		960	0.1170
		961	0.1300
		964	0.0010
		965	0.0480
		966	0.1190
		967	0.1330
		970	0.0080
		971	0.0830
		972	0.1250
		973	0.1310
		1087	0.0810
		1695	0.1540
		1697	0.0780
		1699	0.0050
4.	भरथल	56/ 10	0.0040
		11	0.1310
		12	0.0890
		13	0.0690
		18	0.0150
		55/ 1	0.0980
		2	0.0070
		6	0.0700
		7	0.1180
		8	0.1380
		9	0.1240
		10	0.0330
		15	0.0400
		54/ 1	0.0060
		3	0.0580
		4	0.1360
		5	0.1320
		38/ 24	0.0010
		23	0.0820
		22	0.1400
		21	0.0810
5.	रजोकरी	695	0.0040
		730	0.0420
		731	0.0230
		733	0.0990
		753	0.0460
		754	0.0540
		758	0.0960
		759	0.0910
		761	0.1000
		762	0.0010

1	2	3	4
5.	रजोकरी (जारी...)	763	0.0070
		764	0.0520
		765	0.0920
		778/2	0.0910
		780	0.0740
		783	0.0590
		784	0.0330
		785	0.0890
		793	0.1060
		794	0.0480
		795	0.0080
6.	कापसहेड़ा	8 (राष्ट्रीय राजर्मार्ग)	0.1390
		45 (राष्ट्रीय राजमार्ग)	0.8780
		49 (राष्ट्रीय राजमार्ग)	0.4870

[फा0सं0आर0 –31015/90/2004–ओ आर–II]
हरीश कुमार, अवर सचिव

New Delhi, the 18th July, 2005

S. O. 2600.—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 930, dated the 2nd March, 2005, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act) published in the Gazette of India dated the 12th March, 2005, the Central Government declared its intention to acquire the right of user in the land, specified in the Schedule appended to that notification for the purpose of laying an extension pipeline for transportation of petroleum products through Mumbai-Manglya Pipeline Extension Project from Manglya (Indore) terminal in the State of Madhya Pradesh to Piyala in the State of Haryana and Bijwasan in the NCT of Delhi by Bharat Petroleum Corporation Limited;

And whereas the copies of the said Gazette notification were made available to the public on the 13th May, 2005;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central government;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said land, specified in the Schedule, is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of the publication of this declaration, in Bharat Petroleum Corporation Limited, free from all encumbrances.

SCHEDULE

TEHSIL : VASANT VIHAR DISTRICT: SOUTH WEST STATE : NCT OF DELHI

S.No.	Name of Village	Survey No.	Area in Hectare
1	2	3	4
1.	SAMALKHA	**40/** 6/3	0.0160
		12	0.0020
		36/ 2/2	0.0050
		3	0.0160
		4	0.1230
		7	0.0060
		8	0.1130
		12	0.0260
		13	0.1020
		19	0.1150
		21	0.1350
		32/ 5	0.0480
		6	0.0040
		15	0.0900
		16	0.1250
		24	0.1040
		25	0.0070
		33/ 1	0.1100
		10	0.1250
		11	0.0050
		56/21	0.0320
		22/ 5	0.1140
		25	0.5010
		17/ 5	0.1550
		6	0.1240
		15	0.1210
		16	0.1070
		25	0.1190
		8/ 5	0.0940
		6	0.0310
		15	0.0710
		25/02	0.1550
		7/ 1	0.0260
		10	0.0640
		11	0.0480
		16	0.0910
		20	0.0250
		21	0.0040
		6/21	0.0010
		5/16	0.0010
		17	0.0270
		18	0.0850
		19	0.1250
		20	0.1230
		23	0.0200
		24	0.0670
		25	0.1650

1	2	3	4
1.	SAMALKHA (Contd...)	4/11/2	0.1210
		12	0.1090
		13/1	0.0260
		13/2	0.0240
		14/1	0.0040
		16	0.1300
		17	0.1140
		18	0.0600
		19	0.0080
		3/11	0.0090
		12	0.0640
		13	0.0810
		14	0.0860
		15	0.1260
		56 N.H.	0.1650
		49 N.H.	0.0650
		53 N.H.	0.2310
2.	BIJWASAN	1/13	0.0050
		14	0.1070
		15	0.0100
		16/1/2	0.1040
		17/1	0.0220
		25/1	0.1260
		2/17	0.0060
		18	0.0990
		19	0.1230
		20	0.1180
		21	0.0760
		23/1	0.0300
		24/1	0.1140
		6/ 1	0.0560
		2	0.1290
		3	0.1150
		4	0.0850
		5	0.0050
		6	0.1160
		7	0.0340
		5/ 9	0.0010
		10	0.0520
		12	0.0140
		13	0.0380
		14	0.0020
3.	NANGAL DEVAT	733	0.0030
		939	0.0810
		940	0.1260
		941	0.0300
		942	0.0970
		943	0.1090
		944	0.0180
		946	0.1310

1	2	3	4
3.	NANGAL DEVAT (Contd...)	948	0.1230
		951	0.1250
		957/2	0.0110
		958	0.0860
		959	0.0420
		960	0.1170
		961	0.1300
		964	0.0010
		965	0.0480
		966	0.1190
		967	0.1330
		970	0.0080
		971	0.0830
		972	0.1250
		973	0.1310
		1087	0.0810
		1695	0.1540
		1697	0.0780
		1699	0.0050
4.	BHARTHAL	56/10	0.0040
		11	0.1310
		12	0.0890
		13	0.0690
		18	0.0150
		55/ 1	0.0980
		2	0.0070
		6	0.0700
		7	0.1180
		8	0.1380
		9	0.1240
		10	0.0330
		15	0.0400
		54/ 1	0.0060
		3	0.0580
		4	0.1360
		5	0.1320
		38/24	0.0010
		23	0.0820
		22	0.1400
		21	0.0810
5.	RAJOKARI	695	0.0040
		730	0.0420
		731	0.0230
		733	0.0990
		753	0.0460
		754	0.0540
		758	0.0960
		759	0.0910
		761	0.1000
		762	0.0010
		763	0.0070
		764	0.0520
		765	0.0920
		778/2	0.0910
		780	0.0740
		783	0.0590
		784	0.0330
		785	0.0890
		793	0.1060
		794	0.0480
		795	0.0080
6.	KAPASHEDA	8 N.H.	0.1390
		45 N.H.	0.8780
		49 N.H.	0.4870

[F.N.R-31015/90/2004-OR-II]
Harish Kumar, Under Secretary

श्रम मंत्रालय

नई दिल्ली, 21 जून, 2005

का.आ. 2601.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ. सी. आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जयपुर, (संदर्भ संख्या सी. जी. आई. टी.6/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-06-2005 को प्राप्त हुआ था।

[सं. एल-22012/48/2002-आई आर (सी-II)]

एन.पी. केशवन, डैस्क अधिकारी

MINISTRY OF LABOUR

New Delhi, the 21st June, 2005

S.O. 2601.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT-6/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure, in the Industrial Dispute between the management of Food Corporation of India, and their workman, received by the Central Government on 21-6-2005.

[No. L-22012/48/2002-IR (C-II)]

N. P. KESAVAN, Desk Officer

अनुबन्ध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर

प्रकरण संख्या : सीजीआई टी-6/2004

निदेश संख्या : एल-22012/48/2002-आई आर (सी०एम०-II)

दिनांक : 17-07-2003

भारतीय खाद्य निगम,
एग्जीकयूटिव स्टाफ युनियन,
4 नेहरू प्लेस, टोंक रोड,
क्षेत्रीय कार्यालय; जयपुर ....**प्रार्थी**

बनाम

वरिष्ठ क्षेत्रीय प्रबंधक,
भारतीय खाद्य निगम,
4 नेहरु प्लेस, टोंक रोड,
क्षेत्रीय कार्यालय, जयपुर ....**अप्रार्थी**

उपस्थित : आर. सी. शर्मा, पीठासीन अधिकारी

प्रार्थी की ओर से	:	श्री कुणाल रावत
अप्राथी की ओर से	:	श्री कांता प्रसाद शर्मा,
पंचाट की तिथि	:	31-5-2005

पंचाट

1. केन्द्र सरकार के द्वारा औद्योगिक विवाद अधिनियम, 1947 (संक्षेप में अधिनियम), की धारा 10 की उपधाराओं (एक) के खंड (घ) व 2ए के प्रावधानों के अंतर्गत यह निदेश अधिनिर्णय हेतु इस अधिकरण को संप्रेषित किया गया है जो निम्नवत है :—

"Whether the demand of FCI Executive Staff Union, Jaipur for regularisation of period of absence from 2-8-82 to 23-1-83 and 1-2-83 to 10-4-86 in respect of Sh. Ganeshi Lal Chawla, typist FCI, is legal and justified ? If so, to what relief the workman is entitled to ?"

2. विवाद के सुसंगत तथ्य संक्षिप्ततः इस प्रकार हैं कि प्रार्थी संघ ने श्रमिक गणेशी लाल चावला के संबंध में वाद विवरण में यह उल्लेख किया है कि वह कोटा में टंकक के पद पर पदस्थापित था, जो दिनांक 2-8-1982 से 15-8-1982 व दिनांक 16-8-82 से दिनांक 23-1-1983 तक अपनी बीमारी के कारण चिकित्सा अवकाश पर रहा व समय-समय पर सूचनार्थ संबंधित विभागाधिकारी को प्रार्थना पत्र प्रस्तुत किया। इसके अतिरिक्त यह कथन भी किया गया है कि उसकी 3 वर्षीय बच्ची पोलियो ग्रस्त है, जिसकी चिकित्सा महाराव भीम सिंह अस्पताल, कोटा में काफी समय से चल रही थी और इस हेतु भी उसे कोटा में उपस्थित रहना पड़ता था। प्रार्थी संघ ने श्रमिक द्वारा प्रस्तुत अनेकों प्रार्थना पत्रों व रोगी प्रमाण पत्रों का उल्लेख करते हुए अग्रतर यह अंकित किया है कि विभाग द्वारा कथित अवधि में उसके अस्वस्थ होने के कारण रोगी प्रमाण पत्रों को अस्वीकार करना व उसकी अनुपस्थिति अंकित करना अनुचित एवं अवैध है। वाद विवरण में यह याचना की गई है कि विवाद ग्रस्त अवधि में प्रार्थी की अनुपस्थिति को नियमित किया जावे तथा अनुषंगिक अनुतोष उसे प्रदान किये जावें।

3. विपक्षी द्वारा प्रतिवाद पत्र में प्रार्थी संघ द्वारा प्रस्तुत क्लेम का विरोध करते हुए यह उल्लेख किया गया है कि वर्ष 1982 में श्रमिक का स्थानांतरण कोटा से रतनगढ़ किया गया जहाँ वह दिनांक 2-8-1982 से दिनांक 23-1-1983 तक अनुपस्थित रहा। उसके पश्चात् उसका स्थानांतरण रतनगढ़ से बीकानेर किया गया जहाँ वह दिनांक 1-2-1983 से दिनांक 10-4-86 तक अनुपस्थित रहा। इसके अतिरिक्त यह भी दर्शाया गया है कि कर्मचारी उक्त अवधि में अस्वस्थ नहीं था तथा उसके द्वारा दिये चिकित्सा प्रमाण पत्र असत्य है।

4. दोनो पक्षों के अभिवचनों के आधार पर निम्न विवाद बिन्दु बनाये गये :—

I. Whether the workman Sh. Ganeshi Lal Chawla is entitled for regularization of the period of his absence from 2-8-82 to 23-1-83 and 1-2-83 to 10-4-86 ? BOA

II. Whether on account of the decision of the workman Sh. Ganeshi Lal Chawla's application under Section 33-C(2) of the Act, the principle of *res judicata* is applicable in the present case ?

5. साक्ष्य के अंतर्गत प्रार्थी संघ के द्वारा डब्ल्यू. डब्ल्यू. 1. गणेशी लाल चावला का शपथ पत्र प्रस्तुत किया गया है जबकि विपक्षी की ओर से एम.डब्ल्यू. 1 आर. सी. ढ़ीगरा, उप प्रबंधक का प्रत्याशपथ पत्र प्रस्तुत

किया गया है। दोनों पक्षों के प्रतिनिधियों द्वारा एक-दूसरे पक्ष के साक्षी से प्रतिपरीक्षण किया गया। दोनो पक्षों ने प्रलेखीय साक्ष्य भी प्रस्तुत की है।

6. मैंने दोनो पक्षों को सुना व अभिलेख का सावधानीपूर्वक परीशीलन किया गया। विवाद बिन्दुओं की निम्न प्रकार से विवेचना की जा रही है :—

7. **विवाद बिन्दु संख्या 1 :**—ये तथ्य अविवादित रहे हैं कि श्रमिक कोटा में टंकक के पद पर कार्यतर था जिसका स्थानांतरण रतनगढ़ किया गया, जहां वह दिनांक 2-8-1982 से दिनांक 23-1-1983 तक की अविध में अपनी ड्यूटी से अनुपस्थित रहा। तदनांतर, उसका स्थानांतरण रतनगढ़ से बीकानेर किये जाने पर वह दिनांक 1-2-1983 से दिनांक 10-4-1986 तक अनुपस्थित रहा।

8. प्रार्थी संघ ने श्रमिक की अनुपस्थिति का कारण यह दर्शाया है कि उसकी तीन वर्षीय बच्ची पोलियो ग्रस्त होने के कारण कोटा में उपचाराधीन थी तथा वह स्वंय विवाद ग्रस्त अवधि में अस्वस्थ रहा, जिसके उसने चिकित्सा प्रमाण पत्र विपक्षी संस्थान को प्रस्तुत किये, किन्तु विपक्षी संस्थान ने उन्हें इस आधार पर अस्वीकार कर दिया कि ये आर. एम. पी. चिकित्सकों द्वारा जारी किये गये थे, जिनके पंजीकरण होना भी असंदिग्ध था। प्रार्थी संघ का यह भी कथन है कि विपक्षी संस्थान प्रार्थी को उत्पीड़ित करना चाहता था,अत: उसके द्वारा श्रमिक के अवकाश को अस्वीकृत किया गया।

9. विपक्षी संस्थान की ओर से यह संकथित किया गया है कि श्रमिक कोटा से अपना स्थानांतरण नहीं चाहता था, अत: उसने स्थानातरण पर इन दोनों स्थानों, रतनगढ़ व बीकानेर, पर कार्यालय में अपनी उपस्थिति नहीं दी तथा उसके द्वारा प्रस्तुत किये गये चिकित्सा प्रमाण पत्र नियमानुसार नहीं है एवं संदिग्ध है। यह कथन भी किया गया है कि उस अवधि में श्रमिक अस्वस्थ नहीं था।

10. अब विचारणीय बिन्दु यह उत्पन्न होता है कि क्या प्रश्नगत अवधि में श्रमिक अस्वस्थ था तथा उसके द्वारा प्रस्तुत किये गये चिकित्सा प्रमाण पत्र विधि अनुसार मान्य हैं ?

11. श्रमिक ने अपने पक्ष समर्थन में चिकित्सा प्रमाण पत्र अनुसंलग्नक संख्या 5, संख्या 8 व संख्या 22 (क) प्रस्तुत किये है। अनुलग्नक संख्या 5 चिकित्सा प्रमाण पत्र दि. 23-1-1983 बीकानेर के एक आयुर्वेदिक चिकित्सक द्वारा जारी किया गया है, चिकित्सा प्रमाण-पत्र संख्या 8 महाराव भीम सिंह चिकित्सालय के डॉक्टर जे. एस. ढाका ने दिया है एवं अनुलग्नक संख्या 22(क) डॉक्टर टी. डी. आसवानी द्वारा प्रचलित किया गया चिकित्सा प्रमाण-पत्र है। निर्विवादित रूप से ये तीनों चिकित्सा प्रमाण पत्र किसी राजकीय चिकित्सालय के चिकित्सक द्वारा श्रमिक की जाँच के उपरांत नहीं दिये गये है तथा ये निजी चिकित्सकों द्वारा जारी किये गये है। विपक्षी संस्थान की ओर से भी इन्हीं चिकित्सा प्रमाण पत्रों को यह दर्शाते हुए प्रस्तुत किया गया है कि श्रमिक द्वारा उसके समक्ष इन चिकित्सा प्रमाण पत्रों को प्रस्तुत किया गया था।

12. विद्वान प्रतिनिधि विपक्षी द्वारा परिपत्र संख्या ई. पी. 38(1)/85 दि. 12-2-1986 प्रस्तुत करते हुए यह तर्क किया गया है कि इस परिपत्र के अनुसार निगम के कर्मचारी केन्द्रीय सिविल सेवाएं(अवकाश) नियम, 1972 में निहित निर्देशों के अनुसार अवकाश स्वीकृत करा पाने के अधिकारी होंगे। नियम 19(1) एवं जी. आई. डी.(4), एफ. आर. एस. आर.-भाग 3, अवकाश नियम के अनुसार एक अराजपत्रित कर्मचारी अपनी अस्वस्थता के संबंध में अवकाश स्वीकृति हेतु अधिकृत चिकित्सा प्राधिकारी का प्रमाण पत्र प्रस्तुत करेगा तथा यदि उसके निवास से 8 किलोमीटर की परिधि में अधिकृत चिकित्सा प्राधिकारी उपलब्ध नहीं है तब वह आर. एम. पी. का प्रमाण पत्र प्रस्तुत कर सकेगा।

13. इस विधिक प्रावधान के अंतर्गत प्रार्थी संघ द्वारा यह दर्शाया जाना आवश्यक है कि श्रमिक द्वारा जिस अवधि में जिस निजी चिकित्सक के प्रमाण पत्र प्रस्तुत किया गया है, उस अवधि में उस स्थान पर उसके निवास से 8 किलोमीटर की परिधि में कोई अधिकृत चिकित्सा प्राधिकारी उपलब्ध नहीं था, क्योंकि निर्विवादित रूप से श्रमिक द्वारा प्रस्तुत किये गये सभी चिकित्सा प्रमाण पत्र निजी चिकित्सकों (आर. एम. पी.) द्वारा जारी किये गये है। इस तथ्य का कोई प्रमाण प्रार्थी संघ की ओर से अभिलेख पर प्रस्तुत नहीं किया गया है जिसके अभाव में उपरोक्त चिकित्सा प्रमाण पत्र अमान्य बन जाते है तथा इस विधिक प्रावधान की अनुपालना श्रमिक द्वारा नहीं किये जाने पर प्रार्थी संघ क्लेम को सिद्ध करने में पूर्णतया विफल रहा है। अत: श्रमिक की प्रश्नगत अवधि में उसकी अनुपस्थिति को नियमित करने का कोई विधिक औचित्य प्रकट नहीं हुआ है।

14. उक्त मीमांसा के आधार पर प्रार्थी संघ द्वारा याचित क्लेम स्वीकार किये जाने योग्य नहीं है। अत: इस बिन्दु का निस्तारण प्रार्थी संघ के विरूद्ध एवं विपक्षी संस्थान के पक्ष में किया जाता है।

विवाद बिदु संख्या 2 :—

15. इस बिन्दु का प्रमाण भार विपक्षी संस्थान पर है, किन्तु विद्वान प्रतिनिधि विपक्षी द्वारा इस पर कोई बल नहीं दिया गया है। अत:, इसका अवधारण विपक्षी संस्थान के विरूद्ध किया जाता है।

16. फलत:, यह निर्धारित किया जाता है कि श्रमिक गणेशी लाल चावला की दिनांक 2-8-1982 से दिनांक 23-1-1983 एवं दिनांक 1-2-1983 से दिनांक 10-4-1986 तक की अनुपस्थिति को विपक्षी संस्थान द्वारा नियमित नहीं किया जाना वैध एवं न्यायोचित है तथा इस संबंध में प्रार्थी संघ द्वारा की गई मांग अस्वीकार्य है। श्रमिक किसी अनुतोष को प्राप्त करने का अधिकारी नहीं है। इस रूप में पंचाट पारित किया जाता है।

17. पंचाट की प्रतिलिपियाँ केन्द्र सरकार को अधिनियम, 1947 की धारा 17 की उपधारा (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाए।

आर. सी. शर्मा, पीठासीन अधिकारी

नई दिल्ली, 22 जून, 2005

का.आ. 2602.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, एफ. सी. आई. प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्नेई (संदर्भ संख्या 309/2004) को प्रकाशित करती है,जो केन्द्रीय सरकार को 22-06-2005 को प्राप्त हुआ था।

[सं. एल-22012/56/2003-आई आर (सीएम-II)]

एन.पी. केशवन, डैस्क अधिकारी

New Delhi, the 22nd June, 2005

S.O. 2602.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. 309/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Chennai as shown in the Annexure, in the Industrial Dispute between the management of Food Corporation of India, and their workman, received by the Central Government on 22-6-2005.

[No. L-22012/56/2003-IR (CM-II)]

N. P. KESAVAN, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT, CHENNAI

Tuesday, the 22nd March, 2005

PRESENT
SHRI K. JAYARAMAN,
Presiding Officer

Industrial Dispute NO. 309/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Food Corporation of India and their workmen).

Between

The General Secretary, Madras Port United Labour Union, Chennai.	:	I Party/ Claimant

AND

The Senior Regional Manager, Food Corporation of India, Chennai.	:	II Party/Management

Appearance :

For the Petitioner	:	Mr. R. Gowtaman, Advocate
For the Management	:	Mr. M. Imthias, Advocate

AWARD

The Central Government, Ministry of Labour vide Order No. L.-22012/56/2003-IR(CM-II) dated 3-2-2004 has referred this industrial dispute to this Tribunal for adjudication. The schedule mentioned dispute in that order is :—

"Whether the demand of the Madras Port United Labour Union for payment of 21 days minimum guaranteed wages to the 27 vacuator workers is justified? If not, to what relief entitled?"

2. After the receipt of the reference, it was taken on file as I.D. No. 309/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner Union in the Claim Statement are briefly as follows :—

The Food Corporation of India, the Respondent herein is handling the food grain vessels coming to Madras Harbour and the discharge of food grains from the vessels was done by the contractors appointed by Respondent during 1972 to 1975. From 21-5-76, Respondent corporation employed the workers directly and they are called as vacuator workers. There are about 215 such workers employed by the Respondent and they are entitled to wage revision. The concerned employees are essentially technical personnel. All of them came under the mechanical wing of Food Corporation of India. They could be absorbed in engineering department in suitable posts. Since the Respondent/Management failed to consider the demand of the union to absorb them in the engineering department, they have raised a dispute in I.D. No. 35/84 before Tamil Nadu State Industrial Tribunal. the Industrial Tribunal has passed an award on 16-11-89 directing the Respondent/Management to absorb the vacuator workers in the engineering department. Against the said award, the Respondent/Management filed a Writ Petition No. 14057/92. In that Writ Petition, the High Court has held that they should be absorbed as and when vacancy arises in engineering department with the sanction of Government of India. Even after several representations., the Respondent/Management has not acceded to their request on the other hand, they have preferred a Writ Appeal No. 431/2000 against the Order of Single Judge, but the Division Bench dismissed the Writ Appeal on 15-3-2000. But even after that they have not complied with the order of High Court. Therefore, the Petitioner Union approached the Assistant Labour Commissioner (Central) and raised industrial dispute under section 2k claiming parity of wages for vacuator workers for the period from August, 1988, on which date the Respondent/Management has entered into a settlement dated 4-7-88 with the Transport & Dock Workers Union under section 18(1) of Industrial Disputes Act and the management has insisted the workers to give option to perform all heavy labour. Meanwhile and during the pendency of the case before the High Court, vacuator workers were directed to work loading and unloading work along with the other Food Corporation of India workers from 4-7-88 and they were asked to give an option for re-designating them as Handling Mazdoors so as to

single them along with the other Food Corporation of of India workers. As the case was pending in the Court for taking them in engineering department, some of the vacuator workers have given option under pressure and others were not given their option. But all the workers, the concerned employees in this case, who have not given option herein were also posted along with other mazdoors. Token numbers have also been changed and they were discharged the same duties. Since then the employees have given option and paid with minimum guaranteed wages of 21 days and off and the remaining days are paid with attend wages. The non-opted workers are paid with 16 days minimum guaranteed wages and off and the remaining days are paid with attend wages with lesser basic pay. This discrimination is ever since from 4-7-88. But, both the groups are discharging the same duties and responsibilities. But there is vast difference in their wages and in the mode of payment. Since it will be fair to pay equal wages for equal work the Petitioner Union had raised the industrial dispute before the Assistant Labour Commissioner (Central). But the Respondent has not settled the issue, therefore, labour authorities have given advise to the Petitioner Union to file Claim Petition under section 33C(2) before this Industrial Tribunal. Hence, the Petitioners have filed Claim Petition No. 2/2002 before the Tribunal. But the Tribunal has stated that status of workers cannot be decided under section 33C(2) of the Industrial Disputes Act and therefore, the Tribunal advised to continue the same dispute under section 2k of Industrial Dispute Act. The status of workers belong to Petitioner union on par with the benefit being enjoyed by other union workers under section 18(1) settlement dated 4-7-88 is to be decided and equal pay for equal work is to be ordered since from 4-7-88. Therefore, the Petitioner Union prays this Tribunal to direct the Respondent/Management to pay equal pay for equal work on par with other workers similarly situated persons for the payment of 21 days of minimum guaranteed wages to the 27 vacuator workers from 4-7-88.

4. As against this, the Respondent/Management in its Counter Statement contended that vacuator workers were engaged only to help the engineering personnel of Food Corporation of India and they were never designated as Nossilman, tank cleaner, tank supervisor, head mechanic, assistant mechanic. Oilman, foreman etc. as alleged by the union. No doubt, the Petitioner Union has raised a dispute in I.D. No. 35/54 for their absorption in the engineering department and by an award dated 16-11-89 it was answered in their favour and on Writ Petition, it was modified to the effect that of requiring Food Corporation of India to regularise the services of 124 vacuator workers mentioned therein in the cadre of handling mazdoor and the Writ Appeal No. 431/2000 was dismissed by the Division Bench of the High Court. But as no vacancy has arisen in the engineering department of Food Corporation of India, it was not possible to absorb any of the vacuator workers in that department. At the time of industrial dispute, there were 191 workers who were vacautor workers covered by the Industrial Dispute and they were being paid 16 days minimum guaranteed wages and during the pendency of that industrial dispute, a voluntary retirement scheme was introduced in the year 1986 to retrench the workmen of Food Corporation of India in Madras harbour and under that scheme, 67 vacuator workers opted for voluntary retirement and left the services, thereby there were only 124 vacuator workers remaining thereafter. Subsequently, no more vacuator machines operated by Food Corporation of India in Madras harbour, a settlement under section 18(1) of Industrial Disputes Act was arrived at on 4-7-88 between the Respondent/Management and Transport & Dock Workers Union namely the recognised trade union representing vacuator workers, whereby it was agreed that the vacuator workers would be treated as regularised handling mazdoor of Food Corporation of India in Madras harbour with the scale of pay prescribed therein and 21 days of minimum guaranteed wages if they opted in writing for the same. Out of 124 vacuator workers, 97 of them voluntarily opted without any compulsion, whatsoever, to be treated as handling mazdoor, while the remaining 27 vacuator workers refused to do so despite repeated requests made by Food Corporation of India to them to consent for the same and they were not willing to do any of the handling mazdoor and requested that they may be given only light work which was acceded. After that those workers who have given option to work as handling mazdoors were given hard work and those workers who have not given option were given only light work. Since the Petitioners have not given option to the Respondent/Management, the 27 vacuator workers themselves formed a separate group and they have performed only light works and in the above circumstances, there cannot be any application of principle of equal pay for equal work and as such the entire claim made for the parity of wages is misconceived and unjustified. Therefore, the present dispute has been raised by the Union only to harass the Respondent/Management and the Petitioners are guilty of latches and there is no acceptable explanation for their inordinate delay for the belated claim. Hence, for all these reasons, the Respondent prays to dismiss the claim with costs.

5. In these circumstances, the points for my consideration are,—

(i) "Whether the claim of the Petitioner Union for payment of 21 days minimum guaranteed wages to 27 vacuator workers is justified?

(ii) "To what relief, the 27 vacuators are entitled?"

Point No. 1 :

6. In this case, the contention of the Petitioner Union is that after the settlement entered into between the Respondent/Management and the majority union namely Transport & Dock Workers Union, the workers who had given option and worked for all sorts of work under Respondent/Management were given 21 days minimum guaranteed wages and other benefits, whereas, the workers who have not given option as mentioned in the agreement have paid only 16 days minimum guaranteed wages and other benefits. But they all along have performed the work given by the management and they worked under Respondent/ Management with other workers who have given option, the same work was given to them and therefore, they are entitled for 21 days minimum guaranteed wages and other benefits as enjoyed by other workers on principle of equal pay for equal work.

7. But, as against this the Respondent contended that no doubt, a settlement was entered into between the management and Transport & Dock Workers Union, the recognised trade union representing the vacuator workers, wherein it was agreed that vacuator workers will be treated as regularised handling mazdoor of Food Corporation of India in Madras harbour with the scale of pay prescribed therein and 21 days minimum guaranteed wages, if they are opted in writing for the same. Out of 124 vacuator workers, 97 of them voluntarily opted to be treated as regularised handling mazdoor, while the remaining 27 vacuator workers refused to do so, despite repeated requests made by Food Corporation of India to them to consent for the same and they have also written letter to the Respondent/ Management that they were not willing to do any of the work of handling mazdoor and requested that they may be given only light work which was acceded to and therefore, they were not given any hard work as that of handling mazdoors, who have given option to do hard work and therefore, they are not entitled to the benefits given under the settlement dated 4-7-88.

8. Therefore, the matter to be decided in this case is 'whether the members of the Petitioner Union, who have not given option as mentioned in the settlement under Ex. M4 have done the same work as that of the workers who have given option for hard work?'

9. On the side of the Petitioner Union one Mr. Malaisamy and Mr. Shamsudeen, who are members of the Petitioner union were examined as WW1 and WW2 respectively and on their side Ex. W1 to W9 were marked. On the side of the Respondent/ Management one Mr. Ponnusamy, Senior Regional Manager of the Respondent/Management was examined as MW1 and on their side documents were marked as Ex. M1 to M11. Ex. W1 is the copy of award passed by Industrial Tribunal in I.D. No. 35/84. Ex. W2 is the copy of order passed in W.P. No. 14057/92. Ex. W3 is the copy of order passed in Writ Appeal No. 431/2000. Ex. W4 is the copy of dispute raised by the union before labour authorities. Ex. W5 is the copy of letter of Assistant Labour Commissioner (Central) advising him to file petition under Section 33C(2). Ex. W6 is the memo filed by Petitioner Union in C.P. 2/2001. Ex. W7 is the copy of notice issued by Respondent issuing new token number. Ex. W8 is the copy of job card issued to workers. Ex. W9 are copy of shift card given to workers. On the side of the Respondent/ Management Ex. M1 to M4 are copies of memorandum of settlement dated 28-8-78, 25-2-82, 30-8-85 and 4-7-88 between the Respondent/Management and Transport & Dock Workers Union. Ex. M5 is the copy of circular to non-optees. Ex. M6 is the copy of letter to all unions issued by Respondent/Management. Ex. M7 is the letter sent by Petitioner Union for Ex. M6 dated 18-8-89. Ex. M8 is the copy of letter addressed by Sakthivel one of the Members of Petitioner Union as General Secretary of Madras Port Food Corporation of India Workers Union. Ex. M9 is the copy of letter addressed by Transport & Dock Workers Union intimating Food Corporation of India that R.M. Raghunathan, one of the members of Petitioner Union as its Secretary. Ex. M10 and M11 are copies of minutes of periodical meetings attended by Raghunathan.

10. Learned counsel for the Petitioner Union contended that vacuator workers requested the management that they should be absorbed in engineering department in suitable posts, but the Respondent/Management failed to consider their demand to absorb them in engineering department and therefore, the Petitioner Union has raised an industrial dispute before Assistant Labour Commissioner (Central) and after the failure of conciliation, it was referred to Central Govt. Industrial Tribunal, Tamil Nadu then, and it was numbered as I.D. No. 35/84. After hearing both sides, the Industrial Tribunal has passed an award dated 16-11-1989 directing the Respondent corporation to absorb the vacuator workers in the engineering department with continuity of service and back wages. Against that award, the Respondent/Management has preferred a Writ Petition No. 14057/92 in which the High Court has modified the order stating that to regularise the services of 124 vacuator workers mentioned therein, who remain in the cadre of handling mazdoor as and when the vacancy arises in engineering department with the sanction of the Govt. of India but subject to rules of reservation. As against this, the learned counsel for

the Respondent/Management preferred a Writ Appeal No. 431/2000 which was dismissed by the Division Bench of Madras High Court on 15-3-2000. But as no vacancy was arising in engineering department of Food Corporation of India, the Respondent/ Management has not absorbed any of the vacuator workers in that department and when the matter was pending before the Industrial Tribunal and as per the agreement dated 30-8-85, the vacuator workers namely 191 persons who were being paid 16 days minimum guaranteed wages and during the pendency of that industrial dispute, voluntary retirement scheme was introduced in 1986 to retrench the workmen of Food Corporation of India in Madras harbour and as per that scheme, 67 vacuator workers opted for voluntary retirement and left the service of Food Corporation of India and therefore, there were only 124 vacuator workers remaining thereafter and as there was no vacuator machines operated by Food Corporation of India in Madras harbour, a settlement under Section 18(1) was arrived at on 4-7-88 under Ex. M4 between the management of Food Corporation of India and Transport & Dock Workers Union and all the workers were advised to give option to perform all heavy labour. Since the matter was pending before the Industrial Tribunal in I.D. No. 35/84, the Petitioner union members have not given their option. But however, the Petitioner Union workers who have not given their option like others were also posted along with other mazdoors and have done the same work. The new token new token numbers were also given to them and they were discharging the same duties. But, the employees who have given options were paid with 21 days minimum guaranteed wages and off and the remaining days are paid with attend wages, whereas the non-optee workers namely members of Petitioner Union are paid with 16 days minimum guaranteed wages and off and the remaining days are/paid with attend wages with lesser basic pay. This discrimination is ever since the date of settlement namely 4-7-88. Both employees are discharging same duties and responsibilities, but there is vast different in their wages and in mode of payment. Therefore, the Petitioner Union members demand equal wages for equal work. After long number of representations, the Petitioner union members have raised industrial dispute before Assistant Labour Commissioner (Central), but the Assistant Labour Commissioner (Central) has given advise to Petitioner Union by an order dated 9-5-2001, a copy of which is marked as Ex. W5 that as the matter pertains to discrimination in payment of wages, members are advised to file claim petition under Section 33C(2) of I.D. Act before CGIT Cum Labour Court. Hence, the Petitioner Union has filed Claim Petition in C.P.N. 2/2002 before this Tribunal and as per the advise of this Tribunal, the members of Petitioners Union have given their option to the management to do all the works as per settlement dated 4-7-88. But the Tribunal has stated that the status of workers cannot be decided under Section 33C(2) of I.D. Act and therefore, the Tribunal advised to continue the same dispute claiming parity on the scale. After continuation of the dispute and on failure of conciliation, the matter was again referred to this Tribunal. Since the members of Petitioner Union have done the same work as that of other workers and they have discharged the same duties and responsibilities as that of other workers who have given option as per settlement dated 4-7-88, the Petitioner Union members are entitled for equal pay, since they have done equal work as that of other workers. Learned counsel for the Petitioner relied on the rulings reported in 1993 ILLJ 239 E. KRISHNA AND OTHERS Vs. DIRECTOR GENERAL, INIDIAN COUNCIL OF MEDICAL RESEARCH AND ANOTHER, wherein the High Court of Andhra Pradesh has held that "*in spite of clear cut instructions of the Central Govt., the National Institute of Nutrition avoided the implementation of guidelines and invented the system of introducing a contractor unilaterally to deprive the workers of benefits that have accrued to them. Autonomous bodies should implement the guidelines of Central Govt. and should fall in line with pronouncement of Supreme Court. Continuous work is available for casual workers but such work is done through agencies of a contractor. Such of the casual labourers who satisfy the eligibility criteria are entitled to be absorbed in regular vacancies. In case, they are not absorbed in regular vacancies, they are entitled to be paid wages on par with regular employees doing similar or identical work.*" Relying on this decision, the learned counsel for the Petitioner contended that since the members of the Petitioner Union have done the similar or identical work as that of the members, who have opted for hard work and therefore, the members of Petitioner Union are entitled for the same wages as that of paid to other workers, who have given option for hard work.

11. But, as against this, the learned counsel for the Respondent contended that it is false to allege that members of Petitioner Union have done the same work as that of members who have given option under settlement dated 4-7-88. In fact, when the members of Petitioner Union have not given the option, the Respondent/Management has sent a letter including to the members of Petitioner Union under Ex.M6, wherein it is clearly mentioned that they were requested to exercise option to do all the works that are entrusted to them and they have also attached option form to the members of the Petitioner Union. It was also informed through that letter that those who have not submitted the option form, their continuance would be in terms of memorandum of

settlement and their pay/wages will be in accordance with pre-settlement rates. For this, the Petitioner Union has sent a letter dated 18-8-89 wherein they have stated that "in the first instance, the Executive Committee want to reiterate their stand that the matter before the Industrial Tribunal is still pending and unless the matter is decided by the Tribunal, the change in working conditions cannot be done. The members of Petitioner Union will not give option to do all the works that are entrusted to them as per memorandum of settlement dated 4-7-88 under section 18(1) of I.D. Act entered between the Food Corporation of India management and representation of Transport & Dock Workers Union and as the I.D. No. 35/84 is still pending before the Industrial Tribunal, it is agreed to the condition that they will be entitled to receive wages as per pre-settlement rates and the status quo ante with regard to the work will be maintained and any change cannot be made at present". Since they have refused to do hard work and refused to execute the option as per settlement dated 4-7-88, they were given only light works. The mere pendency of I.D. No. 35/84 do not by any stretch of imagination preclude the aforesaid members of the Petitioner Union from exercising their option being treated as handling mazdoor under the above said settlement dated 4-7-88. The Petitioner Union members have refused to exercise their option and to do hard work, alleging that it will be change in working condition and therefore, it is false to allege that they have done the soame hard work as that of the workers who have given option as per settlement dated 4-7-88. The members of the Petitioner Union have formed a separate group and they have performed only light work and therefore, in the above circumstances, they are not entitled to ask for the equal work. Further, only because of the reason that they have not performed hard work and they have performed only light work all these years namely more than 13 years, they have not claimed any parity of wages and only after their not getting any relief under the orders passed by High Court and only after the Food Corporation of India has ceased their port activities from the year 2000 and only after the other members who have opted for hard work, now getting 21 days minimum guaranteed wages under settlement dated 4-7-88, they have now raised the plea for getting 21 days minimum guaranteed wages without doing any work.

12. But, again the learned cousel for the Petitioner contended that though the Respondent/Management has contended that the persons who have not given option under settlement dated 4-7-88 were given only light work, the Respondent/Management has not established this fact with any clinching proof, on the other hand, the members of the Petitoner Union have produced the job card and also shift card namely Ex. W8 and W9 respectively which clearly establish that the members of the Petitioner Union were also given the same work as that of the workers who have given option under settlement dated 4-7-88 and they have worked in the same gang, but received only lesser wage. Learned Counsel for the Petitioner further contended that burden of proving the fact that members of the Petitioner Union were given only light work is upon the Respondent, but the Respondent has not produced any document to establish this fact, on the other hand, they wanted to take advantage of vague inference to be drawn from Ex. M7 which is the letter sent by Petitioner Union to the Respondent for their letter dated 27-7-89.But, on the other hand, the Petitioner has established the fact that they have done the same work as that of the other members through clinching documentary proof and under such circumstances, it cannot be said that the members of the Petitioner Union were given only light work and therefore, the priniciple of equal pay for equal work will be applicable to the members of Petitioner Union.

13. But, again the learned counsel for the Respondent contended that merely because the members of Petitioner Union have been allotted new token number and merely because the members of Petitioner Union were worked along with other members in the gang, it cannot be said that they have been given hard work as that of the other persons. When the Petitioner Union has clearly stated under Ex. M7 that they will not do the work as per memorandum of settlement dated 4-7-88 and they are willing to receive wages as per pre-settlement and they also requested the status quo ante with regard to work is to be maintained and no change should be made to the members of the Petitioner Union and under such circumstances the burden of proving that they have done the same work as that of other members is upon the Petitioner Union and merely producing job card and also shift card, the Tribunal cannot presume that they have done the same work as that of other workers. Further, even in the letter dated 20-7-89, the management has informed the workers, who have not given option and their continuance would be only in terms of memorandum of settlement and their pay wages will be in accordance with pre-settlement rates. Under such circumstances, only because of this, they have not claimed all these years namely more than thirteen years and only because now there is no work for the management in the port and workers were getting minimum wage without doing any work and only because the persons who have given option under memorandum of settlement dated 4-7-88 are getting 21 days minimum guaranteed wages and they are getting only 16 days minimum guaranteed wages, now they wanted to claim 21 days minimum guaranteed wages without doing any work and therefore, they are not entitled to get any relief as prayed for.

14. Though I find some force in the contention of the Respondent, since the members of the Petitioner

Union have given option under Ex.W6 dated 1-11-2001 as advised by the Tribunal to do all the work as required by the Respondent/Management by individual letters and since there is no bar under the settlement dated 4-7-88 to give option even subsequent to that date, I find though the Petitioners are entitled to get the benefit under settlement dated 4-7-88 from the date of settlement, they are entitled to get the benefits only from 1-11-2001, from which date they have given option to do all the works. Therefore, I find the members of the Petitioner Union though not entitled to get 21 days of minimum guaranteed wages from 4-7-88, they are entitled to get 21 days minimum guaranteed wages from 01-11-2001.

Point No. 2 :—

The next point to be decided in this case is to what relief the Petitioner is entitled?

15. In view of my foregoing findings, I find the concerned 27 vacuator workers of the Petitioner Union are entitled for payment of 21 days minimum guaranteed waged from 01-11-2001, the date on which they have given option to do all the works, as required under settlement dated 4-7-88. Ordered accordingly. No Costs.

16. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him corrected and pronounced by me in the open court on this day 22nd March, 2005)

K. JAYARAMAN, Presiding Officer

Witnesses examined :—

For the II Party/Claimant : WW1 Sri P. Malaichamy

WW2 Sri M. Shamsudeen

For the II Party/Management : MW1 Sri G. Ponnusamy

Documents Marked :—

For the I Party/Claimant :—

Ex. No.	Date	Description
W1	16-11-89	Xerox copy of the award passed in I.D. 35/84.
W2	24-12-98	Xerox copy of the order in W.P. 14057/92.
W3	15-03-00	Xerox copy of the order in W.A. No. 431/2000
W4	16-06-00	Xerox copy of the dispute raised by Union.
W5	04-05-01	Xerox copy of the advise issued by Assistant Labour Commissioner (Central).
W6	01-11-01	Memo filed by the Union in C.P No. 2/2001
W7	24-01-91	Xerox copy of the notice issued by Respondent.
W8	Nil	Xerox copy of the series of job card.
W9	Nil	Xerox copy of the series of shift card.

For the II Party/Management :—

Ex. No.	Date	Description
M1	28-08-78	Xerox copy of the memorandum of settlement.
M2	25-02-82	Xerox copy of the memorandum of settlement.
M3	30-08-85	Xerox copy of the memorandum of settlement.
M4	04-07-88	Xerox copy of the memorandum of settlement.
M5	15-04-89	Xerox copy of the circular to non-optees.
M6	20-07-89	Xerox copy of the letter of Respondent to all unions.
M7	18-08-89	Xerox copy of the letter sent by MPUL union.
M8	02-02-88	Xerox copy of the letter addressed by Sakthivel to Respondent/Management.
M9	23-07-02	Xerox copy of the letter sent by Transport & Dock Workers Union to Respondent regarding their Secretary.
M10	27-04-02	Xerox copy of the minutes of periodical meeting attended by Raghunathan.
M11	30-05-02	Xerox copy of the minutes of periodical meeting attended by Raghunathan.

नई दिल्ली, 24 जून, 2005

का. आ. 2603.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टिस्को के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-I धनबाद के पंचाट (संदर्भ संख्या 59/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2005 को प्राप्त हुआ था।

[सं. एल-20012/308/94-आईआर(सी.-1)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 24th June, 2005

S.O. 2603.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 59/1997) of the Central Government Industrial Tribunal-I Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of TISCO and their workman, which was received by the Central Government on 24-06-2005.

[No. L-20012/308/94-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1 DHANBAD

In the matter of a reference under Section 10(1)(d) (2A) of the I.D. Act.

REFERENCE NO. 59 OF 1997

PARTIES : Employers in relation to the management of M/s. TISCO Ltd., Digwadih Colliery.

AND

Their Workmen

PRESENT : Shri S. Prasad, Presiding Officer

APPEARANCES :

For the Employers	:	Shri D.K. Verma, Advocate
For the Workmen	:	Shri P.R. Shukla, Authorised Representative.

State	:	Jharkhand
Industry	:	Coal.

Dated, the 13th June, 2005

AWARD

By Order No. L-20012/308/94-IR (C-1) dated 21-2-97 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal:

> "Whether the demand of the union for employment to 2nd dependant of Sri A. Samad, who has completed 37 years of service with M/s. TISCO management is legal and justified? If so, to what relief is the workman entitled?"

2. The case of the sponsoring union is that A. Samad is a permanent employee of Digwadih colliery under M/s. TISCO. He was employed on 11-10-1955 and continued in the capacity of Winding Engine Operator. In the meantime he had some problem in his eyes and he was admitted in the Hospital on 11-11-89. The management by letter dated 4/6-7-1992 advised him to appear before the Medical Board for ascertaining his fitness for the job of Winding Engine Operator. Accordingly he appeared before the Medical Board. The management, thereafter, by letter dated 13-7-1992 informed the workman that the Medical Board declared him unfit for his original job of Winding Engine Operator and hence his service was discharged w.e.f. 17-7-92. The workman, A. Samad on receipt of the letter of the management made representation before the management for providing him alternative job on surface. The management after receipt of the above representation from the workman provided him with alternative job for sometimes but later on stopped. The matter was raised in the Union–Management meeting held on 3-12-92 and the union submitted that the concerned workman, A. Samad has worked in the company for 37 years, therefore, his claim for employment of his second son is justified, but the management did not response. Ultimately, the present dispute has been raised for giving employment to his second son as well as to provide him alternative job but the dispute regarding employment of the second son only has been referred to this Tribunal.

3. The case of the management, on the other hand, is that the present reference is not maintainable. The management has admitted that the concerned workman, A. Samad, with token No. 30790 of Digwadih colliery had joined his service on 11-10-1955 as Creeper Khalasi. He was promoted as Winding Engine Operator w.e.f 17-7-89 after he obtained the statutory certificate enabling him to work in the capacity of Winding Engine

Operator. The concerned workman developed eye trouble and it became difficult for him to perform his normal duties, therefore, he was referred to the Medical Board of the company for finding his fitness to perform his duty as Winding Engine Operator. The Medical Board examined him and submitted report dated 8-7-92 declaring him unfit for his job even on the surface on account of defective eyes. Therefore, he was discharged from duty on medical ground w.e.f 17-7-92. Thus, he has completed his service of 36 years 9 months and 6 days on the day of discharge from his service. As per company's policy of providing employment to dependants of an employee, one son of the concerned workman, namely, Abid Hussain was enrolled in the Employees' Dependant Register after completion of 15 years of service by the concerned workman and he has already been provided with employment w.e.f. 21-7-80 at Digwadih colliery. As per the company's rule regarding giving employment to the second son the concerned workman had not qualified his 40 years of service, therefore, he did not become eligible for getting his second son registered for employment in the Employees Dependant Register. Therefore, the concerned workman is not justified in demanding employment to his second son. At present work force of the management has grown up to such an extent that it is very difficult to provide employment to the second son of the concerned workman. There is a long list of candidates whose names find place in the register for employment as second dependant, therefore, the claim of the sponsoring union for employment of the second dependant is unjustified.

4. Thus, from the pleadings as well as evidence adduced by the parties it is apparent that the concerned workman, A. Samad was a permanent employee who has served the company for a period of 36 years 9 months and 6 days, when he was ultimately discharged on medical ground on being unfit for the job. It is also admitted that the management of M/s. TISCO has got a policy of giving employment to dependants of an employees after he completes 15 years of service he may register his one dependant for service and after he completes 40 years of service, he may see registered 2nd dependant for service. As per policy of the management a workman is entitled for registering his first dependant for employment on completion of 15 years of service and for employment of second dependant on completion of 40 years of service. The management provide them employment according to the date of their registration subject to vacancy. It is admitted that the management has already provided employment to one of the sons of the concerned workman. Since the concerned workman has not completed 40 years of service on the date he was discharged from service on medical ground on being unfit for the job, he was not at all entitled for getting the second dependant registered for employment in the company.

Therefore, I find that the demand of the sponsoring union for employment of second son of the concerned workman, A. Samad, is not at all justified.

5. In the result, I render following award—

The demand of the union for employment of second dependant of A. Samad, who has completed 36 years 9 months and 6 days service with M/s. TISCO management, is neither legal nor justified and the concerned workman is not entitled to any relief.

S. PRASAD, Presiding Officer

नई दिल्ली, 24 जून, 2005

का. आ. 2604.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगापुर एअर लाइंस लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली-I के पंचाट (संदर्भ संख्या 21/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2005 को प्राप्त हुआ था।

[सं. एल-11012/53/98-आईआर(सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 24th June, 2005

S.O. 2604.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/99) of the Central Government Industrial Tribunal/Labour Court-New Delhi-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Singapur Airlines Ltd. and their workman, which was received by the Central Government on 24-06-2005.

[No. L-11012/53/98-IR (C-1)]

S.S. GUPTA, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NEW DELHI

PRESIDING OFFICER : SHRI S.S. BAL

I.D. NO. 21/99

IN THE MATTER OF DISPUTE BETWEEN

Shri Amrit Singh S/o. Sh. Hardwari Lal,
Resident of Village Luahana,
Post Office Luahana, Tehsil &
District-Rewari
(Haryana)-123411 Workman

Versus

The General Manager,
Singapore Airlines Ltd.,
I.G.I. Airport, Terminal-II,
New Delhi-110 037 ......Management

Appearances : Workman in person Shri M. Wadhwani A/R for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/53/98-IR(C-I) dated 23-12-98 has referred the following industrial dispute to this Tribunal for adjudication:

"Whether the workman is employee of the Singapore Airlines? If yes, whether the action of the management in terminating the services of the workman w.e.f. 30-7-97 is legal and justified. If not, to what relief he is entitled to?"

2. Brief facts of this case as culled from the claim statement are that the workman was appointed by the respondent as office attendant on 22-5-96 in their office at I.G.I. Airport, New Delhi and his pay was Rs. 1800 P.M. and he worked continuously upto 30-6-97 for more than one year; that the management illegally retrenched services of the workman on 1-7-97 without notice, notice pay, compensation violation of the provisions of Section 25-F of the I. D. Act, 1947. His retrenchment/termination is illegal, unjust, arbitrary, unconstitutional against the principles of natural justice and he has, therefore, claimed the order directing the respondent to reinstate him in service with continuity of service with full back wages and all consequential benefits.

3. The claim was contested by the management by filing written statement raising preliminary objections such as that there is no relationship of employer and employee between the workman and the management-respondent did not have any establishment at Delhi during the relevant period and these operations were carried on and managed by M/s. Jet Air Ltd., under an Agency agreement as per I.A.T.A. regulations and practice in the aviation trade and industry. The relationship between the Singapore Airlines and M/s. Jet Air Limited was on principal to principal basis and M/s. Jet Air Ltd., is still in exist once and is carrying on its business. Even at the relevant time it was working as agent for several other airlines. The applicant workman was employed and engaged by Jet Air Ltd., who used to allocate, regulate and supervise the work and duties performed by the applicant/workman his terms of employment were also settled and is charged by M/s. Jet Air Ltd. The agency agreement between the respondent-management and M/s. Jet Air Ltd., came to an end w.e.f. 30-6-97 and M/s. Jet Air Ltd. withdrew itself and its staff w.e.f. 1-7-1997 including the workman and from the same date the respondent/management commenced its own operations at Delhi. The applicant workman is not on the staff list of Singapore Airlines. The averments of the applicant/workman are false. He is seeking to abuse the process of this Hon'ble Court to seek employment with the respondent/management.

4. On merits para No. 1 to 5 of claim statement are denied as wrong. It is stated that the applicant is not entitled to any relief from the respondent-management.

5. The written statement was followed by rejoinder where in contents of the claim statement are reiterated to be correct and those of written statement are denied.

6. Thereafter evidence was adduced by workman by way of affidavit and the case was fixed for cross-examination of the workman and about 11 opportunities were granted for cross-examination of workman and on 27-5-05 parties came to a settlement under which management offered to pay sum of Rs. 60,000/- towards his claim and workman received a cheque Rs. 60,000 today on 14-6-05 in the court and stated that his entire claim with the management stood satisfied in view of the settlement and no other claim is due. Statement of the workman and A/R for the management were recorded on 27-5-05 and payment through cheque was made today on 14-6-05. Parties have arrived at settlement and No dispute exists between the parties and therefore, 'No Dispute' Award is passed. File be consigned to record room.

Dated : 14-6-2005

S.S. BAL, Presiding Officer

नई दिल्ली, 24 जून, 2005

का. आ. 2605.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 27/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2005 को प्राप्त हुआ था।

[सं. एल-20012/5/97-आईआर(सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 24th June, 2005

S.O. 2605.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 27/1998) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 24-06-2005.

[No. L-20012/5/97-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :
SHRI B. BISWAS : Presiding Officer

On the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 27 of 1998

Parties : Employers in relation to the management of Angarpathra Colliery under Katras Area of M/s. BCCL and their Workman.

Appearances :

On behalf of the workman : None

On behalf of the employers : Mr. H. Nath, Ld. Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 2nd June, 2005.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/5/97-IR (Coal-I) dated, the 20th February, 1998.

SCHEDULE

"Whether the action of the management of Angarpathra Colliery under Katras Area of M/s. BCCL in dismissing the services of Shri Ram Bachan Rajbhar, Miner/Loader of Angarpathra Colliery w.e.f. 6-1-93 is justified? If not, to what relief the concerned workman is entitled?"

2. The case of the management according to their written statement is as follows :

Management submitted that the concerned workman was a Miner/Loader at Angarpathra Colliery. They submitted that he started himself absenting from duty w.e.f. 6-1-93 without giving any information and taking any permission. Accordingly, a charge-sheet bearing No. AP/CS/93/69 dt. 17-5-93 was issued to him for committing misconduct on the ground of absentism. They submitted that on receipt of the said chargesheet he submitted his reply but as the reply given by him was not satisfactory the Disciplinary Authority decided to hold domestic enquiry against him and appointed J.K. Sinha, Senior Personnel Officer to hold the said enquiry. They disclosed that the said enquiry officer conducted domestic enquiry with all fairness in presence of the concerned workman who not only participated but also full opportunity was given to him to defend his case. After completion of the said enquiry, the enquiry officer submitted his report holding the concerned workman guilty to the charges brought against him. They submitted that during 1991, 1992 and 1993, the concerned workman worked for 98 days, 32 days and 2 days respectively. Accordingly, Disciplinary Authority after considering enquiry report and also considering all material aspects dismissed him from his service. They alleged that R.C.M.S. Union after passing that order of dismissal raised an Industrial Dispute before ALC(C) Dhanbad for conciliation which ultimately resulted reference to this Tribunal for adjudication.

It transpires from the record that inspite of giving several opportunities neither the sponsoring union/ workman appeared nor any written statement was filed in response to the order of reference challenging the legality and validity of the order of dismissal issued by the management.

Accordingly, the instant reference case was taken up for exparte hearing.

3. POINTS TO BE DECIDED

"Whether the action of the management of Angarpathra Colliery under Katras Area of M/s. BCCL in dismissing the services of Shri Ram Bachan Rajbhar, Miner/Loader of Angarparthra Colliery w.e.f. 6-1-93 is justified? If not, to what relief the concerned workman is entitled?"

4. FINDING WITH REASONS

It transpires from the record that before taking up hearing of this case on merit it was taken into consideration if domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. It transpires that the said issue on preliminary point was disposed of vide Order No. 17 dt. 16-3-04 against the management and for which opportunity was given to them to adduce evidence on merit.

In course of hearing the case on merit exparte the management examined one witness as M.W. 1 with a view to establish their case.

From the evidence of M.W. 1, I find no dispute to hold that the concerned workman was Miner/Loader at Angarpathra Colliery. It is the specific allegation of the management that the concerned workman started remaining himself absent from duty with effect from 6-1-93 without any information or taking their prior permission. Accordingly, the Disciplinary Authority issued a charge-sheet to him vide letter No. AP/CS/93/69

dt. 7-5-93 for committing misconduct on the ground of unauthorised absence under clause 26 : 1 : 1 of the Certified Standing Order. Copy of the said charge-sheet during evidence of M.W. 1 was marked as Exht. M/1. They disclosed that after receipt of the said charge-sheet the concerned workman submitted his reply which also during his evidence was marked as Exhibit M/2. Now from the reply given by him it transpires that he was sick and remained at Company's hospital for treatment from 1-1-93 to 5-1-93. It is seen that he went on unauthorised leave from 6-1-93 without taking permission or giving any intimation to the management. He disclosed that he was under treatment of private doctor and in support of his claim he produced medical certificate. He also further begged apology for the misconduct committed by him and also made an appeal to consider his case compassionatel so that he gets scope to resume his duty and to save his family from starvation.

It is seen that as the reply given by him was not satisfactory the Disciplinary Authority decided to hold domestic enquiry against him and appointed Mr. J.K. Sinha, Senior Personnel Officer as Enquiry Officer. Considering enquiry proceeding papers marked as Exht. M-3 to M-4/4, I find no dispute to hold that the concerned workman participated fully at the time of hearing of the enquiry proceeding. During that time he too relied on the reply given by him which he submitted in response to the charge-sheet issued to him. It is seen that after completion of enquiry the enquiry officer submitted his report which during evidence of M.W. 1 was marked as Exht. M-5.

The Enquiry Officer in his report admitted the fact that the concerned workman reported sick at Colliery Dispensary on 1-1-93 and remained under treatment there till 5-1-93. It is seen further that the concerned workman produced medical certificate at the time of enquiry issued by private Doctor in support of his treatment but the said Enquiry Officer did not believe that medical certificate in absence of treatment papers for his treatment. With utter surprise it is noticed that in course of hearing the management did not consider necessary to produce the medical certificate which the concerned workman relied on, before this Tribunal to verify the authenticity of the claim in question.

It is seen that only this ground the enquiry officer came to the finding that the concerned workman was found guilty to the charge brought against him though he admitted that the concerned workman begged apology for the misconduct committed by him.

It is seen that charge-sheet to the concerned workman was issued on 17-5-93. He started remaining himself absent from duty w.e.f. 6-1-93. It is admitted fact that he did not give any intimation to the management about the reason of his absence. Therefore, there is no dispute to hold that absence for the period from 6-1-93 to 17-5-93 was unauthorised and for which it attaches the clause 26 : 1 : 1 of the Certified Standing Orders. Accordingly, there is no scope to say that management committed either any illegality or took any arbitrary decision in issuing charge-sheet to the conecrned workman for committing misconduct under clause 26 : 1 : 1 of the Certified Standing Orders. Considering all materials on record I find no dispute to hold that in course of hearing the case on merit management have been able to substantiate the charge brought against him.

It is seen that relying on the report submitted by the Enquiry Officer, the Disciplinary Authority dismissed the concerned workman from his service. The letter of dismissal during evidence of M.W. 1 was marked as Exhibit M-6. In dismissing the concerned workman from his service the Disciplinary Authority observed "As the charges levelled against you are of serious in nature so you are hereby dismissed from service with immediate effect".

Now it is to be taken into consideration if the concerned workman is entitled to get any relief as per provision laid down U/S II-A of the Industrial Dispute Act.

Sec. II-A of the Industrial Dispute Act speaks as follows :

> "Where as industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require."

Therefore, as per provision of this Section it is to be looked into whether the order of dismissal issued against the concerned workman was justified and proportionate to the misconduct committed by him.

As per charge-sheet (Exht. M-1) the Disciplinary Authority directed the concerned workman to submit his reply within 48 hours. According to clause 27 : 1 of the Certified Standing Order where a workman is charged with a misconduct which may lead to imposition of a minor penalty, he will be informed in writing of the allegation made against him and will be given an opportunity to explain his conduct within 48 hours.

Therefore, it is clear that intention of the management was to impose minor punishment for the misconduct committed by the concerned workman. Had that not been so there was scope on the part of the management to follow the course as provised under clause 27 : 2 of the Certified Standing Orders. Again clause 27 : 1 has pointed out as minor penalty which punishment could be imposed upon workman on proof of the charge of misconduct. The Enquiry Officer in his report did not discuss if the misconduct committed by the concerned workman was serious in nature. In the note sheet marked as Exht. M-6/1 it has been observed that charges levelled against the concerned workman was serious in nature and from past record it has been revealed that he was to be dismisssed in the past but management had given one chance to improve vide letter No. AP/92/1617 dt. 26/29-9-92 but only after three months he again absented. It is really curious to note that inspite of claiming so the management did not consider necessary to produce any paper to show that previously the concerned workman was charge-sheeted on the similar ground and he was found guilty for committing mis-conduct and for which instead of imposing major punishment he was released on giving due warning.

Therefore in absence of any such paper I find no cogent ground to accept the contention of the management. Management also did not explain which serious misconduct the concerned workman committed. It is seen that for remaining absent for about four months charge-sheet was issued to him. No doubt he committed misconduct for violation of clause 26 : 1 : 1 of the Certified Standing Order but if the of misconduct committed by him is taken into consideration there is no scope to say that the misconduct which he committed amounted to serious misconduct. Had that been so the management would definitely follow the provisions as laid down in clause 27 : 2 and not clause 27 : 1.

Further it is seen that the concerned workman was actually lying ill and remained under treatment of Company's dispensary, immediately before he started remaining himself absent from duty without giving any intimation to the management. It is further seen that the enquiry officer did not believe the medical certificate produce by the concerned workman at the time of enquiry but could not assign cogent reason in that regard. Management also for verification of the said medical certificate did not produce the same before this Tribunal incourse of hearing without assigning any reason. It is further seen that in reply to the charge-sheet the concerned workman begged apology for the misconduct committed by him and that too was recorded by the Enquiry Officer in his report. Inspite of begging apology the Disciplinary Authority did not consider necessary to give him an opportunity for his rectification in future. It is seen that Disciplinary Authority made up their mind to dismiss him from service for which made their observation that the misconduct committed by him was serious in nature.

After careful consideration of all the facts & circumstances I hold that the degree of misconduct committed by him was not proportionate to the punishment imposed on him. Order of dismissal for absence of 4/5 months I consider is absolutely unjustified and not in accordance with the principle of natural justice. I, therefore, hold that order of dismissal issued by the Disciplinary Authority was not justified, proportionate and in accordance with the principle of natural justice and for which the same is liable to be set aside. In the result the following award is rendered :

"That the action of the management of Angarpathra Colliery under Katras Area of M/s. BCCL in dismissing the service of Sri Ram Bachan Rajbhar, Miner/Loader of Angarpathra Colliery w.e.f. 6-1-93 was not justified.

Consequently, management is directed to reinstate the concerned workman to his service from the date of his order of dismissal within three months from the date of publication of the award in the Gazettee of India. However, the concerned workman shall not be entitled to get any back wages and other consequential relief w.e.f. 6-1-93."

B. BISWAS, Presiding Officer

नई दिल्ली, 24 जून, 2005

का. आ. 2606.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-II के पंचाट (संदर्भ संख्या 19/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2005 को प्राप्त हुआ था।

[सं. एल-20012/200/2003-आईआर(सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 24th June, 2005

S.O. 2606.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 19/2004) of the Central Government Industrial Tribunal/Labour Court Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 24-06-2005.

[No. L-20012/200/2003-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

REFERENCE NO. 19 OF 2004

PARTIES : Employers in relation to the management of Sudamdih Mines of M/s. BCCL and their workman.

(Ministry's Order No. L-20012/200/2003-IR(C-I) Dtd. 24-12-2003)

APPEARANCES :

On behalf of the workman : Mr. C. Prasad, Advocate.,

On behalf of the employers : Mr. D.K. Verma, Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 2nd June, 2005.

AWARD

Record is put up for order. Perused one petition filed by the management on the point of maintainability of the instant reference case. In view of the reference made by the Ministry the dispute for adjudication is as follows :—

"Whether the action of the management of BCCL Sudamdih Incline Mine to superannuate Shri Hari Majhi w.e.f. 31-3-2002 treating his date of birth as 9-3-42 is justified? If not, to what relief is the concerned workman entitled?"

2. Management submitted that the concerned workman before raising industrial dispute in the instant reference case filed a Writ Petition before the Hon'ble Jharkhand High Court at Ranchi vide Writ Petition No. 629/2002 and prayed for issuance of order for correction of his date of birth on the basis of Mining Sirdarship Certificate. They submitted that in the said Writ Petition they appeared and submitted their counter affidavit wherein they categorically mentioned that date of birth of the concerned workman was recorded as 9-3-1942 in the Form B Register which is a statutory Register as per definition of the Mines Act. 1952. In the said Affidavit they further submitted that the concerned workman put his signature in Roman Script and he himself accepted and acknowledged the date of birth as 9-3-42 for which he has been estopped from raising such dispute relying on the Mining Sirdarship Certificate. It has been submitted by the management that after hearing both sides Hon'ble High Court dismissed the said Writ Petition. Being aggrieved by the order passed of the Hon'ble High Court the concerned workman preferred an appeal before the Hon'ble High Court challenging the Judgement and order passed by Ld. Single Judge in L.P.A. Case No. 55/2003. They submitted that the said appeal also was dismissed by the Division Bench of the Hon'ble High Court Jharkhand Ranchi with the observation "Learned Single Judge has rightly dismissed the Writ application because Form B Register contained the correct date of birth and also because the appellant had sought the change in the date of birth at the fag end of his service career." After passing that order by the Hon'ble Court the concerned workman through sponsoring Union raised Industrial Dispute over self same issue before the ALC (C) for conciliation but has the conciliation failed instant reference case was initiated. After registering that reference case as Ref. No. 19/2004 the concerned workman submitted his Written Statement wherein he categorically disclosed that his date of birth as per Mining Sirdarship certificate should be changed. It is seen that the self same matter was agitated before the Single Bench of the Hon'ble High Court, Jharkhand by the concerned workman and Hon'ble Court after hearing the concerned workman as well as management dismissed that Writ Petition. He against that order preferred an appeal before the Division Bench of the same Hon'ble High Court but that too was dismissed. It is really curious to note that the concerned workman suppressed this fact while he submitted Written Statement in the instant case. On the contrary he made out a clear case why his date of birth is required to be rectified. This is I should say suppression of material facts. It is expected that whenever any grievance is placed in the Written Statement it should expose with all material facts. It is clear that the concerned workman suppressing the material facts intended to get relief. In course of hearing the representative of the concerned workman has failed to assign any cogent reason why the order of the Hon'ble High Court should be ignored in considering the prayer of the concerned workman afresh. In view of the order passed by the Hon'ble Court I consider that the concerned workman is estopped from raising any further dispute overself same issue i.e. the rectification of his date of birth. Under the circumstances I consider that it will be highly contemptuous if ignoring the order of the Hon'ble High Court over the self same issue as raised by the concerned workman in the Written Statement is taken into consideration. I hold that the instant reference in view of order of the Hon'ble High Court is not maintainable in the eye of law. In the result, the reference fails for adjudication.

B. BISWAS, Presiding Officer

नई दिल्ली, 24 जून, 2005

का. आ. 2607.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 92/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2005 को प्राप्त हुआ था।

[सं. एल-20012/189/96-आईआर(सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 24th June, 2005

S.O. 2607.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 92/97) of the Central Government Industrial Tribunal/Labour Court Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 24-06-2005.

[No. L-20012/189/96-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT:

Shri B. Biswas, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act. 1947.

REFERENCE NO. 92 OF 1997

PARTIES: : Employers in relation to the management of Sudamdih Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman	:	Mr. D. Mukherjee, Advocate
On behalf of the employers	:	Mr. S. N. Sinha, Advocate.
State : Jharkhand	:	Industry : Coal.

Dated, Dhanbad, the 9th June, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/189/96-IR (C-I), dated, the 27th August, 1997.

SCHEDULE

"Whether the demand of the Union for the regularisation/promotion of Shri O. P. Vishwakarma in T & S Grade-C w.e.f. 11-5-1992 is justified? If not, to what relief is the concerned workman entitled?"

2. Case of the concerned workman according to Written Statement submitted by the sponsoring union on his behalf in brief is as follows :—

They submitted that the concerned workman was selected as Junior Data Entry Operator (Trainee) in Technical and Supervisory Grade-E through departmental selection committee of Sudamdih Area and joined, that post in the month of May, 1989. He was regularised as Junior Data Entry Operator in Technical and Supervisory Grade-D after completion of one year training successfully w.e.f. 11-5-90. They submitted that the concerned workman is B.A. and has completed Computer Programming Course. In view of his obtaining such qualification as per direction of the management he started working as Data Entry Operator with effect from 11-5-92. They disclosed that as Data Entry Operator he put his attendance for more than 240 days in each calendar year. Accordingly he submitted representation to the management for his regularisation as Data Entry Operator in Grade "C" but without any effect. As a result, he raised an Industrial Dispute demanding his regularisation as Data Entry Operator in Technical and Supervisory Grade-C. They submitted that during pendency of the hearing of the conciliation matter a tripartite settlement was entered into with the union wherein and whereby management agreed to regularise him as Data Entry Operator in Technical and Supervisory Grade-C after getting approval from the Headquarters. In spite of that tripartite settlement they alleged that the management did not regularies him in the said Grade. Accordingly seeing no other alternative the union again reaised industrial dispute for conciliation which ultimately resulted reference to this Tribunal for adjudication by the order of the Ministry. The sponsoring union accordingly submitted prayer for passing an Award directing the management to regularise the concerned workman in Technical and Superivsory Grade--C w.e.f. 11-5-92 along with other consequential benefits.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in their Written Statement submitted on behalf of the concerned workman.

They submitted that the concerned workman was selected as Junior Data Entry Operator vide letter dt. 5-5-89 in Technical and Supervisory Grade-E. The Weigh Bridge of Sudamdih Washery had been computerised since 1988 and he was engaged to operate the Weigh Bridge since 11-5-89 and on that very basis he was regularised in Technical and Supervisory Grade-D along with others as Junior Data Entry Operator. They submitted that the concerned workman made demand before the ALC(C) for his promotion as Data Entry Operator in Technical and Supervisory Grade-C after completing three years service in Technical and Supervisory Grade-D. The conciliation proceedings were held, matter was settled and the management agreed to promote him as Data Entry Operator Grade-C subject to approval of the BCCL Headquarters, Koyala Bhawan and said settlement was signed on 18-5-94 and the Sudamdih Area referred the matter to the Headquarter as per terms of settlement. They submitted that the proposal to promote him in Technical and Supervisory Gr. C was not considered by the BCCL headquarters on the ground that at Washery Weigh Bridge no sanctioned post of Data Entry Operator is in existence. The concerned workman is working at Weigh Bridge at Sudamdih Washery and operating P.C. The concerned workman's job is to punch the Weight of the incoming and out going trucks only at Weigh Bridge, which is not identical to any of the jobs of the E.D.P Cadre of employees as like the job of Data Entry Operators of Gr. 'C' at Area/ Headquarter. Accordingly management submitted that denial to promote the concerned workman in Technical and Supervisory Grade-C w.e.f. from 11-5-92 is fully justified and he is not entitled to get any relief whatsoever. Accordingly management submitted prayer to pass Award rejecting the claim of the concerned workman.

4. **POINTS TO BE DECIDED**

"Whether the demand of the Union for the regularisation/promotion of Shri O.P. Vishwakarma in T & S Grade-C w.e.f. 11-5-1992 is justified? If not, to what relief is the concerned workman entitled?"

5. **FINDING WITH REASONS**

It transpires from the record that the sponsoring Union with a view to substantiate their claim examined the concerned workman as WW-1, Management also in support of their claim examined two witnesses as MW-1 and MW-2.

WW-1 during his evidence disclosed that he joined the management as Trade apprentice on 7-5-81. He submitted that in view of circular issued by the management for filling up the post of Data Entry Operator he submitted application as a candidate for the same. Thereafter he appeared before the interview Board and he was subsequently selected for the said post. Thereafter he was provided with the employment of Junior Data Entry Operator Trainee in Technical and Supervisory Grade-E from May, 1989. After completion of that training he was regularised as Junior Data Entry Operator in Grade-D. He submitted that he started discharging his duties as Data Entry Operator independently from 11-5-92 regularly and till date he is discharging his duties as such. For the post of Data Entry Operator minimum Grade is Technical and Supervisory Grade-C. He disclosed that as he was continuously deployed to work as Data Entry Operator he submitted appliation to the management for his regularisation as Data Entry Operator in Technical and Supervisory Grade-C. But as the management refused to do so he raised an industrial dispute and during pendency of the hearing of the conciliation proceeding a tripartite settlement was entered into and according to that settlement management agreed to provide him in Technical and Supervisory Grade-C as Data Entry Operator subject to approval from the Headquarter. The settlement in question during evidence of WW-1 was marked as Ext. W-1. The office order dt. 22/30-10-98 which the concerned workman relied had been marked as Ext. W-2, during his evidence. The said tripartite settlement on the contrary was executed on 18-5-94. I have considered the terms of said settlement which speaks as follows :

TERMS OF SETTLEMENT

"IT IS AGREED :

1. That the case of Sri Om Prakash Vishwakarma has already been processed for promotion in Data Entry Operator Tech. and Supervisory Grade 'C' after getting approval from the H.Q. he will be promoted.

2. That the management and the union both shall submit their implementation report to the RLC(C)/ALC(C) Dhanbad-III within 60 days from this settlement. If the implementation report will not be received within the stipulated period, it will be presumed that this settlement has been implemented.

Representative of the management :

Sd/-

(S.C. Soneja)

18-5-94

Representative of the Workmen/Union :

Sd/-

(D. K. Dey,)

18-5-94.

Witnesses :

1. Sd/-

Illegible

Sd/-

(N. K. Prasad)

Asstt. Labour Commissioner (Central),

Dhanbad-III."

As per the terms of the settlement the local management agreed to promote the concerned workman as Data Entry Operator in Technical and Supervisory Grade-C after taking approval from the Headquarters. The application which he submitted to the management for his regularisation as Data Entry Operator in Technical and Slupervisory Grade-C was marked as Ext. M-1. During cross-examination this witness admitted that he deals with Computer showing loading of wagons and exhibiting particulars of weight etc. which as Operator we process. MW-1 during his evidence disclosed that the concerned workman got his appointment as Trade Apprentice in the year 1981 as Sudamdih Coal Washery and after completion of trade apprenticeship training he got his appointment as Cat. I Mazdoor. In the year 1989 a departmental vacancy for the post of Junior Data Entry Operator in Grade-E was occurred. This witness disclosed that the concerned workman was selected for the said post and as trainee he remained under training for one year. After completion of that training period he was regularised as Junior Data Entry Operator in Technical and Supervisory Grade-D. This witness disclosed that still he is working in the same post *i.e.* Junior Data Entry Operator in Technical and Supervisor Grade-D. This witness further disclosed that though the concerned workman is eligible to get his promotion in Technical and Supervisory Grade-C the management could not promote him in the said grade as there was no vacancy. He further disclosed that all promotions in Grade-C of Data Entry Operator in this cadre are made by the order of the Headquarter and not by any order of the unit or area. This witness admitted that the concerned workman submitted his representation for his regularisation as Data Entry Operator in Grade-C but his such prayer could not be considered by the Headquarter due to non-availability of the vacancy. This witness admitted that as a result the concerned workman raised an industrial dispute and during pendency of hearing of that dispute a tripartite settlement was entered wherein it was decided that the concerned workman will be promoted to Grade-C Data Entry Operator subject to approval to be given by the Headquarter. He further disclosed that as per the settlement, promotional matter of the concerned workman was forwarded to the Headquarter for consideration but the Headquarter did not agree to give him promotions in Grade-C and in support of this claim this witness relied on the letter issued by the Headquarter marked as Ext. M-4. This witness during cross-examination admitted that in the year 1998 the concerned workman was placed in Grade-C under S.L.U. as he by this time completed 10 years of service in Grade-D. MW-2 during his evidence also corroborated the facts which MW-1 disclosed in course of his evidence. This witness admitted that initially the entry of Data Entry Operator is in Grade-C. Now considering the evidence of the management it is clear that after completion of training as Junior Data Entry Operator the concerned workman was regularised in Technical and Supervisory Grade-D. On the contrary it is the contention of the sponsoring union that the concerned workman started serving as Data Entry Operator independently from 11-5-92 and till date he is serving in that capacity. This fact has categorically been denied by the management. It is the contention of the management that never the concerned workman was allowed to discharge his duties as Data Entry Operator and not as Junior Data Entry operator. It is seen that the concerned workman submitted a representation to the management marked as Ext. M-1 on 24-6-97 with prayer for his regularisation as Assistant Loading Inspector in Technical and Supervisory Grade-C. In the petition he admitted that he was posted at Sudamdih Washery Railway siding department as Junior Data Entry Operator in Technical and Supervisory Grade-D. He further submitted in his petition that as per order of the management he also started discharging his duties as Loading Supervisor and for which he has claimed for his promotion as Asstt. Loading Inspector in Technical and Supervisory Grade-C. As his representation was not considered he raised an industrial dispute. It is admitted fact that during pendency of the conciliation proceeding before the ALC(C) a tripartite settlement was entered into wherein it was agreed upon that promotion in Data Entry Operator in Technical and Supervisory Grade-C will be given to the concerned workman after getting approval from the headquarter. Nowhere in the said tripartite settlement it was mentioned that promotion to the concerned workman will be given to the post of Asstt. Loading Inspector in Technical and Supervisory Grade-C. The post of Asstt. Loading Inspector comes under different grade and it has no bearing with his promotion in Data Entry Operator in Technical and Supervisory Grade-C. The reference in question was also initiated for consideration of promotion of the concerned workman as Data Entry Operator in Technical and Supervisory Grade-C. It is the contention of the sponsoring union that in spite of that tripartite settlement management did not consider promotion of the concerned workman as Data Entry Operator in Technical and Supervisory Grade-C. They submitted that the said decision of the management was not only illegal and arbitrary but also violative to the decision arrived into the tripartite settlement. On the contrary representative of the management submitted that in the tripartite settlement there was no undertaking given by the management that he will be promoted to the post of Data Entry Operator in Technical and Supervisory Grade-C. On the contrary it is their contention that his promotion in the said post would be considered if the same is approved by the Headquarter because of the fact that the promotion of any workman in the post of Data Entry Operator in Technical and Supervisory Grade-C is controlled by the headquarter and for which the Area office or the colliery has no jurisdiction to take any final decision to that effect. The representative of the concerned workman in course of hearing pointed out a letter issued by the General Manager (IR & W) marked as Ext. W-3 wherein there was instruction given to the Personnel Manager.

Sudamdih Area to the effect to implement the settlement arrived at the earliest. Relying on this letter representative of the workman submitted that Area Office of Sudamdih did not comply with direction given by the G.M. in the matter of the implementation of the tripartite settlement and it was so done for the reason best known to the management. The same G.M. again wrote a letter to Smt. Samita Arora, Section Officer, Govt. of India, Ministry of Coal marked as Ext. M-5 wherein he made a clear observation to the effect that the management was fully justified in denying promotion to the concerned workman in Technical and Supervisory Grade-C w.e.f. 11-5-92. Therefore, it is seen that the same officer while in the letter marked as Ext. W-3 instructed local area office to implement the tripartite settlement held different view in the letter dt. 14/15-10-96 marked as Ext. M-5. Question of implementation of the tripartite settlement comes in by the Area Office subject to approval of the promotion of the concerned workman by the Headquarter. The representative of the management in course of hearing submitted that promotion as Data Entry Operator in Technical and Supervisory Grade-C from Junior Data Entry Operator Technical and Supervisory Grade-D cannot be given automatically by virtue of the fact that the said workman as Junior Data Entry Operator in Technical and Supervisory Grade-D worked for more than 3 years. According to cadre scheme to get promotion to the post of Data Entry Operator in Technical and Supervisory Grade-C not only 3 years experience as Data Entry Operator in Technical and Supervisory Grade-D is required but also the concerned workman should pass the proficiency test of 8000 KDPH and his name must be recommended by the D.P.C. Therefore, it is clear that promotion in Technical and Supervisory Grade-C cannot be claimed just taking the plea that the concerned workman worked for more than 240 days in Technical and Supervisory Grade-D and also worked for more than 3 years in that capacity. The representative of the management however, submitted that even if recommendation is made by the D.P.C. in that case such promotion cannot be acceded to in absence of any existing vacancy. MW-1 and MW-2 during their evidence categorically submitted that no vacancy was existed for consideration of promotion of the workman in Technical and Supervisory Grade-C as Data Entry Operator. It has been further submitted that as no promotion could be given to the concerned workman in the said grade, he was provided with S. L. U and to that effect management issued an order dt. 22/30-10-98 which during evidence of workman was marked as Ext. W-2. As per the office order the name of the concerned workman is appearing in Sl. No. 101 wherein his designation was disclosed as Data Entry Operator. As S. L.U. was provided to him he was placed in Grade-C. Therefore, this office order marked as Ext. W-2 speak clearly that his promotion as in ordinary course could not be given due to non-availability of the vacancy management provided him the priviledge of S. L.U. It is seen that the concerned workman accepted the S.L.U. offered to him by the management. Therefore, in view of this position onus shifts on the sponsoring union to establish that the concerned workman's name was not only recommended by the D.P.C. but also he came out successful in the proficiency test as per provision of the Cadre Scheme for getting his promotion in Technical and Supervisory Grade-C and also there was clear vacancy to that effect. I find no hesitation to say that in course of hearing the representative of the concerned workman has failed to satisfy this Tribunal that inspite of recommendation made by the D. P.C., inspite of coming out successfully in the proficiency test and inspite of existing vacancy the management illegally and arbirarily denied to promote him to the post of Data Entry Operator in Technical and Supervisory Grade-C. Just on the basis of Tripartite Settelment there is no scope at all to arrive into conclusion that management was bound to issue promotional order in favour of the workman to the post of Data Entry Operator in Technical and Supervisory Grade-C. The settlement entered into was absolutely conditional and until and unless that condition is fulfilled the Area Office and no scope to issue any order of promotion in favour of the concerned workman in the desired post. The conceerned workman claimed his promotion as Data Entry Operator in Technical and Supervisory Grade-C with effect from 11-5-92. It has been admitted by the concerned workman in course of his evidence that he was provided with employment as Data Entry Operator in Technical and supervisory Grade-E from May, 1989. He further admitted that after a lapes of one year he was regularised as Junior Data Entry Operator in Grade-D. Therefore, in view of his own submission it is clear that not before the month of May, 1990 the concerned workman was not provided with the post of Junior Data Entry Operator in Technical and Supervisory Grade-D as per cadre scheme. For promotion in Electronic Data Processsing personnel/Data Entry Operator a workman should possess three years experience as Junior Data Entry Operator in Technical and Supervisory Grade-D. If this fact is taken into consideration in that case it is seen that the claim of the concerned workman for his promotion in Technical and Supervisory Grade-C has come out after completion of his two years service as Junior Data Entry Operator. Therefore, in no circumstances as per cadre scheme the concerned workman was legible to get his promotion in Tecnical and Supervisory Grade-C w.e.f. 11-5-92. Accordingly I hold that the claim of the sponsoring union cannot be acceded to if cadre scheme formulated in connection with promotion as referred to above is taken in to consideration.

In the result, the following Award is rendered :—

"The demand of the Union for regularisation/ promotion of Shri O.P. Vishwakarma in the T & S Grade-C w.e.f. 11-5-1992 is not justified. Consequently, the concerned workman is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 24 जून, 2005

का.आ. 2608.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार रायल नेपाल एअरलाइंस के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नई दिल्ली-I के पंचाट (संदर्भ संख्या 121/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-6-2005 को प्राप्त हुआ था।

[सं. एल-11012/68/2000-आईआर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 24th June, 2005

S.O. 2608.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 121/2000) of the Central Government Industrial Tribunal /Labour Court, New Delhi-I now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Royal Nepal Airlines and their workman, which was received by the Central Government on 24-6-2005.

[No. L-11012/68/2000-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

PRESIDING OFFICER : SHRI S. S. BAL

I.D. No. 121/2000

In the matter of dispute between :

Shri Ashok Kumar,
Varisht Loader, and others,
Through Shri J. P. Sharma,
Chamber No. 320,
Patiala House Courts,
New Delhi ......Applicant

Versus

Sh. M. B. Thapa,
The Regional Manager,
M/s. Royal Nepal Airlines,
44, Janpath,
New Delhi .....Management

APPEARANCES :

Workman in person.

None for management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-11012/68/2000-IR (C-I) dated 30-10-2000 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the demand of the seven workmen given in the list that they be regularised by the management of Nepal Airlines and Shri Ashok Kumar Varisht Loader be reinstated in service and regularised is legal? If so to what relief the workmen are entitled to and from which date?"

"List.

1.	Mr. Ashok Kumar	Loader	w.e.f. 12-2-1993
2.	Mr. S. Elango	Loader	w.e.f. 1-12-1995
3.	Mr. L. D. Aryal	Loader	w.e.f. 13-4-1996
4.	Mr. J. N. Sharma	Loader	w.e.f. 15-4-1996
5.	Mr. B. R. Sharma	Loader	w.e.f. 1-7-1996
6.	Mr. B. P. Aryal	Loader	w.e.f. 1-7-1996
7.	Mr. A. Thapa	Loader	w.e.f. 5-7-1996."

2. Brief facts of this case as culled from record i.e. statement of claim of workman and written statement are that the workman Ashok Kumar alongwith with six others namely Shri S. Elango, Shri L.D. Aryal, Shri J. N. Sharma, Shri B.R. Sharma, B. P. Aryal and Sh. A. Thapa were engaged as Sweeper-cum-loader and workman Ashok Kumar was working with respondents as Sweeper-cum-Loader w.e.f. 13-9-93. All the other six persons are still working with respondent except Ashok Kumar workman. All the said workers have been working against permanent vacancies with the respondent and receiving their salaries but they are not being provided minimum wages though they are working for 12 to 16 hours daily. They are not being even paid overtime nor they are being given weekly and other facilities as permissible under the rules. The management is violating statutory provisions of relevant rules of Shops and Establishment Act and minimum wages Act and other local labour laws. All the six were employer on probation for one year except Ashok Kumar. The management was showing the workman as on daily rated wages and was not giving their wages/benefits, all the 7 workmen loaded their complaint on 6-1-99 to the Labour Commissioner, New Delhi during pendency of the complaint before Regional Labour Commissioner Central at Curzon Road Barrackes, New Delhi. The services of the workman Ashok Kumar was illegally terminated without notice and any enquiry or any proceeding i.e. without conducting any enquiry. He was not allowed to come inside the premises his pass was also snatched away and despite efforts by Labour Commissioner the workman was not taken back in service, while other workman were given appoinment letters for one year on probation. Their services

has not been regularised and workman Ashok Kumar has not been reinstate or taken back in service. It is further stated that the workmen are legally entitled to regularisation of their service and Ashok Kumar has also given notice dated 11-9-2000 of for reinstatement. Thus in view of the above submissions reinstatement of Ashok Kumar and regular- isation of other workmen is sought.

3. Claim has been contested by the management by filing reply where in preliminary objection was raised that respondent has not been correctly described and its correct name of respondent management is Royla Nepal Airlines Corporation and not M/s. Royal Nepal Airlines and that M/s. Royal Nepal Airlines Corporation is a Foreign Sovereign since established by a statute of his Majesty and King of Nepal in the absence of consent/permission of the Central Government, no legal proceedings against the said corporation are maintainable in view of the prohibition as set out under Section 80 of CPC and as such reference is not maintainable. It is further stated that workmen Shri S. Elango, Shri L. D. Aryal, Shri J. N. Sharma, Shri B. R. Sharma, B. P. Aryal and Shri A. Thapa were being engaged by the management as and when there was requirement of Loaders due to extra flight as per exigency of load of work and not on regular basis and they approached for regularising them and on their request settlement was arrived at between them and the Management. Accordingly they are appointed as Loader on probation for a period of one year and subsequently they were confirmed in their employment *vide* management letter dated 20-6-2001. In view of the above no industrial dispute as defined in Section 2K of the I.D. Act is in existence in respect of said six workman and reference about other is bad and incompetent in law. As regards Shri Ashok Kumar, it is state that he was regular employed by the management and as such no relationship of master and servant ever existed between him and the management and he is not a workman as defined in Section 2(s) of the I.D. Act.

4. Written statement was followed by replication wherein the contents of the written statement were denied and those of the claim statement were reiterated to be correct.

5. Thereafter evidence was recorded and workman filed Shri Ashok Kumar affidavit in evidence. The management did not prosecute its case and was proceeded exparte *vide* order dated 21-3-05. Perusal of the record shows that above said workmen except Ashok Kumar are working with the respondent management and have been confirmed and there does not exist any dispute between them and the managemrnt.

6. The following questions arise for consideration in this case :

1. Whether there exists/existed relations him of master and servant between the employer management-respondent and employee Shri Ashok Kumar if so its effect, OPW.

2. Whether the present proceedings are not maintainable for mis-description of the respondent/management and non-compliance of Section 86 CPC and for want of seeking permission to sue the management/respondent in accordance with the provisions contained in Section 86 CPC as alleged by the management/respondent ? OPM.

3. In terms of reference ?

4. To what relief the workman Ashok Kumar is entitled to?

7. As regards Ashok Kumar the stand of the management as per written statement is that he was not employee of the management and he has not worked with the management therefore, there cannot be any dispute between him and the management under Section 2(s) of the I. D. Act but the workman has filed his affidavit wherein he claimed that he has worked under the management for 12 to 16 hours and he has not been given overtime and wages. He was forced to sign some documents and was not allowed to join duties. He has also filed documents such as letter as dated 13-1-95 written on the pad of respondent/management which is addressed to the Regional Director, India Delhi, mentioning that Ashok Kumar S/o Manohar Lal is working with them on daily wages basis w.e.f. 12-2-93 as loader and during his tenure he had found him as hard working, sincere and punctual and taking his long service rendered to this organisation, he recommended him to be regularise his services on permanent basis. Similarly a letter dated 24-10-93 addressed to the Regional Manager, New Delhi signed by Station Manager, IGI Airport is also filed by the workman wherein it is mentioned that Ashok Kumar was engaged on daily wage basis as Sweeper/Loader at the Airport and office and while observing his performance, he was found very loyal, honest and hard working and due to shortage of man power he was engaged almost 12 hours at Cargo Unit. He was being paid less wages at Rs. 30 and his wages was recommended to be increased from Inr. 30 to 40 per day. From these letters Ex. WW1/7 and Ex. WW1/8 coupled with the averments made in the affidavit of worker Ex. WW1/A it is proved that Ashok Kumar worked with the management and as such he was their employee and stand of management taken in the written statement that he was not employee of the management and did not work with them is incorrect.

8. As regards the objection that correct name of respondent is not M/s. Nepal Airlines as depicted in the heading but is M/s. Royal Airlines Corporation and claim is, therefore, liable to be dismissed as the respondent has

not been correctly described it may be pointed out that the respondent Nepal Airlines Corporation has defended the case before the Labour Officer and in this Court and contested the case by filing written statement through its representative. Thus it is apparent that the respondent itself is described itself as Royal Nepal Airlines and not as Royal Nepal Airlines Corporation. Therefore, to my mind it has caused any prejudice to the respondent by not mentioning/using word corporation after the words Royal Nepal Airlines. The respondent cannot be said to be misled by not using the word corporation after Royal Nepal Airlines and describing it Royal Nepal Airlines only instead of Royal Nepal Airlines Corporation. In reply dated 3-10-2000 to the notice of the workman, the respondent has been described as Royal Nepal Airlines only by its manager Administration which is apparent from letter Ex. WW1/6. Thus the management has been describing itself as Royal Nepal Airlines. Moreover, no prejudiced has been shown to have been caused to the Respondents management by the said mis-description. Second objection that no legal proceedings against the respondent corporation M/s. Royal Nepal Airlines Corporation can be instituted the same being the foreign sovereign established by statute of his majesty King of Nepal in the absence of consent/permission of the Central Government is also not maintainable in my view because the provisions contained in Section 86 CPC prohibits the institution of any suit in any court in India otherwise competent to try the suit except with the consent of the Central Government certified in writing by the Secretary to the Government. It is pertinent to refer herein the following observations of Supreme Court in a decision reported in AIR 1964 Supreme Court 444 (V 51 C 53) Captioned the Maharana Sahib Shri Bhagwat Singh Bahadur of Udaipur *Vs.* The State of Rajasthan and others.

> "Section 86, the provisions of which are applied in relation to the Ruler of any former Indain State by S. 87-B as they apply in relation to the Ruler of a foreign State, in terms protects a Ruler from being "sued" and not against the institution of any other proceeding which is not in the nature of a suit. A proceedings which does not commerce with a plaint or petition in the nature of plaint, or where the claim is not in respect of a dispute ordinarily triable in a Civil Court, would *prima facie* not be regarded as falling with S. 86. The proceeding for adjudication under the Industrial Disputes Act is founded in a reference made by the local government under S. 10 and the allied section under the Industrial Disputes Act and is not commenced by a plaint or petition. An Industrial Tribunal is again not a Court within the meaning of Section 86, it is a Tribunal constituted for adjudicating industrial disputes. Section 86 of Code of Civil Procedure excludes the jurisdiction of Civil Courts and must be strictly construed. It does not therefore, debar the commencement of proceedings for adjudication of an industrial dispute between the Ruler of former Udaipur State in Rajasthan and his employees for two reasons; neither party to the proceedings is "sued" by the initiation of the proceedings and the Tribunal is not a Court".

9. It is pertinent to refer to Section 86 CPC coupled with Section 87 CPC provides that the ruler of a foreign state may sue and shall be sued in the name of the State provided that in giving the consent referred to in Section 86 the Central Govt. may direct that the ruler may be sued in the name of Agent or in any other name. Thus provisions of Section 86 CPC prohibits the suing of ruler of a foreign state in any (Indian) Court competent to try the suit without the consent of the Central Govt. in writing by a Secretary to that Government. The head of the Foreign State can be/ may be sued in the name of any Agent or any other name or Director of the Central Government. The observation in the Supreme Court decision (Supra) also expresses the view that the said provisions of Section 86 and 87 CPC protects a ruler from being sued but these provisions are not against the Institution of any other proceedings which are not in nature of a suit. The present proceedings have been commenced in the form by making of reference by the Central Govt. under ID Act, 1947 and are not in the nature of a suit. The said provisions of the CPC do not debar the commencement of the proceedings for adjudication of industrial disputes between the ruler of any State. Moreover this Tribunal is not a court thus no trial of suit is being conducted by this Tribunal and the adjudication of the proceedings under the ID Act do not constitute trial of suit. As such Section 86 and 87 are not applicable to the said/present proceedings which are maintainable against the respondent. In my view the respondent corporation cannot be said to be State of Nepal which is only an organisation carrying on the function or operation through its official of India under the name and style of M/s. Royal Nepal Airlines Corporation. Question No. 2 is decided accordingly.

10. From the above discussions it is apparent that no disputes exist between six workman namely Shri S. Elango, L.D. Aryal, J.N. sharma, B.R. Sharma, B.P. Aryal and A. Thapa as they have been confirmed and regularised and No Dispute award is passed in respect of the said six workmen named above.

11. Ashok Kumar workman has worked with the respondent and there exists relationship of employer and employee between them and that he is entitled to reinstatement and regularisation as he worked from 12-2-93 till May 1999 and not allowed to work w.e.f. June, 1999. Reference is answered and Award is passed accordingly.

Dated : 25-5-2005

S. S. BAL, Presiding Officer

नई दिल्ली, 24 जून, 2005

का.आ. 2609.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 129/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22-6-2005 को प्राप्त हुआ था।

[सं. एल-20012/401/1994-आई आर (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 24th June, 2005

S.O. 2609.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 129/1995) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 22-6-2005.

[No. L-20012/401/1994-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Present :

Shri B. Biswas,
Presiding Officer

In the matter of an Industrial Dispute under Section 10(1) (d) of the I.D. Act., 1947

REFERENCE NO. 129 OF 1995

PARTIES : Employers in relation to the management of Nichitpur Colliery of M/s. B.C.C.L. and their Workman.

APPEARANCES :

On behalf of the workman	:	Mr. S.C. Gaur, Ld. Advocate;
On behalf of employers	:	Mr. H. Nath, Ld. Advocate;
State	:	Jharkhand
Industry	:	Coal

Dated, Dhanbad, the 8th June, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/2101/94. I.R. (Coal-I) dated, the 10th October, 1995.

SCHEDULE

"Whether the action of the management of Nichitpur Colliery of M/s. BCCL in super-annuating Smt. Dasi Mudin, Wagon Loader w.e.f. 2-12-91 is Justified? If not, to what relief Smt. Mudin is entitled?".

2. The case of the concerned female worker according to written statement submitted by her sponsoring union on her behalf in brief is as follows :

The sponsoring union submitted that the concerned female worker got her appointment as wagon loader at Nichitpur Colliery on 19-11-1973. they submitted that after her appointment management issued indentity card to her bearing No. C/9328 wherein her date of birth was recorded as 29-9-1947. They submitted that Basdeo Modi, husband of the concerned female worker also was a workman in the same colliery and as per identity card his date of birth was recorded as 2-9-1940. They disclosed that management issued service excerpt to the concerned female worker wherein her date of birth though recorded as 29-9-47. It was struck down and re-written as 42 years. They pointed out that in the Coal Mines Family Pension Scheme Form-2 (PEN) date of birth of the concerned female workers as recorded as 29-9-47. They disclosed that she raised her protest when management served superannuation notice to her wherein they informed her supperannuation will be effected on and and from 1-12-1991. Immediately, she submitted representation to the management through her union for rectification of her date of birth as 29-9-47 but as that representation did not yield any result she raised an Industrial Dispute before ALC (C) for conciliation. They submitted that as different date of birth of the concerned female worker were recorded in different registers of the management as per JBCCI Circular No. 76 her age could have been ascertained through Apex Medical Board but they refused to do so.

The sponsoring union accordingly submitted prayer to pass award directing the management to reinstate the concerned female worker to her service treating her date of birth as 29-9-47.

3. Management on the contrary after filing written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted for the concerned female worker. They submitted that the concerned workman got her appointment as wagon loader at Nichitpur Colliery on 19-11-73 and at the time of her entry in the service her date of birth was recorded as 42 years in the Form B Register which she authenticated by putting her LTI. They submitted that so long the said female worker remained in service did not raise any objection relating to her age recorded in the Form-B Register. Even after receipt of the service excerpt she also did not make any representation for rectification of her date of birth. Only after her superannuation she started

agitating and through sponsoring union raised an Industrial Dispute which in the eye of law is not at all tenable.

Accordingly they submitted prayer to pass award rejecting the claim of the concerned female worker.

4. **POINT TO BE DECIDED**

"Whether the action of the management of Nichitpur Colliery of M/s. BCCL in superannuating Smt. Dasi Mudin, Wagon Loader w.e.f. 2-12-91 is Justified? If not, to what relief Smt. Mudin is entitled?".

5. **FINDING WITH REASONS**

It appears from the record that the sponsoring union with a view to substantiate their claim examined two witnesses as W.W. 1 & W.W. 2 including the concerned female worker. Management also inspport of their claim examined one witness as M.W. 1.

Considering the evidence on both sides there is no dispute to hold that the concerned female worker got her appointment as wagon loader at Nichitpur Colliery in the year 1973. It has been disclosed by the sponsoring union that after getting appointment as wagon loader management issued identity card to her wherein alongwith other particulars her date of birth was recorded as 29-9-1947. The said Identity Card during evidence of W.W. 1 was marked as Exhit. W/1. It has been further disclosed that the concerned female worker since 1975 was member of C.M.P.F. and her CMPM A/c No. was D/40/224. They disclosed that in Form-2 (PEN) of CMPF Scheme 1971 her date of birth was also recorded as 29-9-47. They further disclosed that in her service excerpt which was issued to her the same date of birth was recorded but after striking the said date of birth her age was written as 42 years as on 1973. They alleged that knowing fully well of her date of birth management issued superannuation notice by letter No. 2400/91 dt. 2-11-91 to the concerned female worker intimating her date of superannuation as 1-12-91. On receipt of the said notice she not only raised protest but her union also took up her matter and wrote a letter dt. 1-12-91 to the management raising protest against that illegal notice of superannuation and also asked the management to place the concerned female worker before Apex Medical Board for assessment of her age.

It has been further disclosed that in the same colliery her husband also was an employee and as per indentity card issued in his favour his date of birth was recorded as 2-9-1940. It is their contention that the concerned female worker was much younger to her husband and for which management illegally issued notice for her superannuation long before the date of superannuation of her husbad. In course of hearing the sponsoring union failed to produce the identity card of the husband of the concerned female worker. However, it has been admitted by the management that Basdeo Modi, husband of the concerned female worker was an employee of Nichitpur Colliery and as per Form B Register his date of birth was recorded as 8-8-1938. Considering this fact it is clear that husband of the concerned female worker was younger to her though as per her claim she was younger to her husband.

There is no reason to consider that wife should always be younger to her husband. However, when that specific claim has been made onus was on the sponsoring union to establish that concerned female worker was younger to her husband. As per Form-B Register date of birth of her husband was recorded as 8-8-1938. It is not the claim of the sponsoring union that said date of birth of her husband in her Form-B Register was wrongly recorded.

Their contention is when discrepancy in recording age of the concerned workman has been detected indiffernt registers it was responsibility of the management to arrange for causing appearance of the concerned female worker before Apex Medical Board for assessment of her age as per instructions given in J.B.C.C.I. Circular No. 76. They alleged that instead of doing so they superannuated her illegally, arbitrarily and violating the principle of natural justice.

On the contrary it has been specifically asserted by the management that at the time of appointment alongwith other particulars the age of the concerned workman was recorded as 42 years in the Form-B Register. They submitted that as per Mines Act Form-B Register is treated as statutory register and age recorded therein is binding on both sides. Apart from this fact they further submitted that in the year 1987 service excerpt was issued in favour of the concerned female worker wherein also her age was recorded as 42 years as on the date of appointment. They admitted that in the said service excerpt the date of birth was initially recorded as 29-9-47 but thereafter it was corrected and as per Form-B Register recorded as 42 years. It is their further contention that after receipt of the service excerpt she did not raise any dispute about her age recorded therein. On the contrary accepting that age recorded therein returned back the same to the management which proved that she had no dispute about her age recorded in the Form-B Register. Even after receiving superannuation notice she did not submit any representation raising dispute that she was going to be superannuated on the basis of wrong date of birth. They submitted that after superannuation she raised Industrial Dispute through sponsoring union with ill motive and for which the same can not be acceded to.

There is no dispute to hold that in the Form-B Register age of the concerned female worker was recorded as 42 years as on the date of her appointment. There is no dispute to hold that as per Mines Act Form-B Register is considered as a statutory Register and age recorded therein is binding on both sides until & unless it is established that the said age was wrongly recorded. There is no dispute

to hold that in the year 1987 management issued service excerpt to her wherein also the same age as per Form-B Register was recorded. The Form-B Register during evidence of MW 2 was marked as Exbt. M/2. The name, other particulars including age of the concerned female worker were recorded in Sl. No. 18 and she put her LTI in the respective column of the said register accepting the particulars recorded therein. It is seen that in spite of receive in the service excerpt she also did not raise any dispute alleging that her age was wrongly recorded therein. During hearing the representative of the soponsoring union failed to give any satisfactory explanation in that regard which goes to establish that the concerned worker had no grievance about her age recorded therein. Accordingly, there is sufficient reason to believe that she has been estopped from raising any further dispute. In spite she raised the dispute after her superannuation relying on the age recorded in the I.D. Card issued to her (Exht. W/1) and C.M.P.F. Form. II (Exht. W/3) I have carefully considered the entries recorded in the I.D. Card and on close secrutiny, it transpires that different ink had been used in making certain entries including date of birth and the same were written subsequently by fresh ink. Xerox copy of C.M.P.F. Form No. II was produced from personal custody of the concerned female worker and the same was not authenticated by any competent officer either of the management or of C.M.P.F. Officer. Accordingly, there is no scope to give much evidentiary value on these papers in absence of its support by any cogent document. The sponsoring union inspite of getting ample opportunity has failed to produce any authentic paper to show that date of birth of the concerned workman was 29-9-1942.

It is seen that at least four/five years before her superannuation she came to know that her age was recorded as 42 years in the Form-B Register but she did not consider necessary to raise her voice against the same. Even she failed to show a single serap of paper that she submitted representation raising her voice against wrong recording her age after receipt of the superannuation notice. Therefore, after superannuation the dispute which she raised is to be considered as state dispute particularly when she failed to submit any cogent reason why she kept herself silent fully so long she was in service.

Accordingly, in view of my discussion above I hold that the concerned female worker is not entitled to get any relief as the sponsoring union on her behalf has failed to substantiate the claim with reasonable certainity.

In the result the following award is rendered :

"That the action of the management of Nichitpur Colliery of M/s. BCCL in super-annuating Smt. Dasi Mudin, Wagon Loader w.e.f. 2-12-91 is Justified?

Consequently, she is not entitled to get any relief."

B. BISWAS, Presiding Officer

नई दिल्ली, 24 जून, 2005

का.आ. 2610.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एअर इंडिया लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चैन्नई के पंचाट (संदर्भ संख्या 290/2004) को प्रकाशित करती है,जो केन्द्रीय सरकार को 24-06-2005 को प्राप्त हुआ था।

[सं. एल-11012/25/2001-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 24th June, 2005

S.O. 2610.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 290/2004) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Air India Ltd. and their workman, which was received by the Central Government on 24-6-2005.

[No. L-11012/25/2001-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday the 25th February, 2005

PRESENT :

Shri K. Jayaraman, Presiding Officer

Industrial Dispute No. 290/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Air India Ltd. and their workmen)

BETWEEN :

Sri Oggu Peter Bose : I Party/Petitioner

AND

The Senior Regional Manager, Air India Ltd., Chennai. : II Party/Management

APPEARANCES :

For the Petitioner : Mr. P.N. Prakash & Dr. G. Jayachandran, Advocates

For the Management : M/s. Aiyar & Dolia & N. Krishnakumar, Advocates

AWARD

The Central Government, Ministry of Labour, vide Order No. L-11012/25/2001-IR(C-I) dated 24-12-2003 has referred this industrial dispute to this Tribunal for adjudication. The schedule mentioned dispute in that order is —

> "Whether the action of the management of Air India Ltd., No. 19, Marshalls Road, Egmore, Chennai, in terminating the services of Sri Oggu Peter Bose vide order dated 14-6-95 is just, fair and legal? If not, to what relief is the workman enttitled?".

2. After the receipt of the reference, it was taken on file as I.D. No. 290/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates and filed their Claim Statement and Counter Statement respectively.

3. The allegations of the Petitioner in the Claim Statement are briefly as follows :—

The Petitioner is a native of Nuzvid town, Krishna District in Andhra Pradesh and he joined Indian Army as a Sepoy in corps of Military Police on 20-4-76. He was discharged from military service on 13-2-85 in terms of Rule 13(v) of Army Rules, 1964 on the ground services were no longer required. After his discharge, he came to his native village and settled down in his parental home. On 7-10-85 Nuzvid police registered a case in Crime No. 171/85 and filed a final report in the Court of Judicial Magistrate I Class, Nuzvid for a offence under Section 419 of IPC. The said case in C.C. No. 149/85 ended in conviction and the Petitioner was sentenced to pay a fine of Rs. 2000, in default, to undergo simple imprisonment for two months. Against that order the Petitioner preferred a criminal appeals in C.A. No. 12/88 before Sessions Judge and the 2nd Additional Sessions Judge acquitted the Petitioner from all the charges on 26-10-88. The Petitioner fell in love with his sister's daughter Vijayashree. Subsequently, eloped with the said Vijayashree and married her without her parental consent. On the complain made by the father of Vijayashree, Nuzvid police have registered a case under Section 366 of IPC. On coming to know of this case, the Petitioner appeared before the Magistrate I Class, Nuzvid as man and wife and the case was dismissed as a mistake of fact. In the year 1990, the Petitioner submitted as application to the Respondent for the post of security guared on seeing the advertisement. Subsequently, the Petitioner was appointed as security guard of Air India and was posted at Madras Meenambakkam airport on 6-9-1990. He has successfully completed probation without adverse remarks. While so, show cause notice was served on the Petitioner on 13-11-92 in which it was alleged that the Petitioner has suppressed two facts while filling up the pre-employment form of Air India and the Petitioner has submitted his explanation and the Respondent did not take any action for over two years. All of a sudden, the Respondent issued charge sheet dated 6-1-94 and he was called upon to give his explanation to the charge sheet and not satisfying with his explanation, a domestic enquiry was ordered against the Petitioner and in the domestic enquiry four witnesses including the Petitioner were examined and the officers who have enquired the matter have reported that three charges framed against the Petitioner have been proved and the Disciplinary Authority on 28-3-1995 accepted the Enquiry Officer's findings and dismissed the Petitioner from service. The Respondent authorities after passing of this order has filed a petition under Section 33(2)(b) for approval. But, since the matter has not been prosecuted, the application was dismissed on 28-10-96. Even after that the Respondent has not reinstated the Petitioner in service and therefore, the Petitioner has filed a Writ Petition before the High Court and while the matter was pending, the Respondent filed another petition before National Industrial Tribunal to re-hear the case and it was ordered. Subsequently, National Industrial Tribunal has permitted the approval application. Therefore the Petitioner has raised an industrial dispute before labour authorities and on the failure on conciliation, the matter was referred to this Tribunal. The Petitioner alleged that the order dated 8-10-98 passed by National Industrial Tribunal is illegal. Further, the Enquiry Officer has misconstrued the rule 'Commission of any act subversive of discipline or good behaviour' In this case all the three acts alleged by the Respondent were admittedly prior to the Petitioner's joining the service of Respondent and therefore, the show cause notice and domestic enquiry stands vitiated. As regards the first indictment, the entire case was fabricated and he was acquitted by the Sessions Court, Krishna District as early as 26-10-88 and as regards the second indictment, the Petitioner was not prosecuted and the entire proceedings was closed 'as a mistake of fact'. As regards the third indictment, a combined reading of rule 13 and other relevant rules would go to show that discharge from army under Rule 13 (III) (v) is a non-event and cannot be construed as disgraceful ouster from army. Therefore, the mere incidents cannot form basis for his dismissal from service by invoking the clause 'Commission of any act subversive of discipline or good behaviour'. Based on the incomplete and erroneous information given by the Collector of Muchilipattinam, charges were framed against the Petitioner. Therefore, the entire proceedings of the Respondent and the enquiry were biased, pre-determined and further no fair opportunity was given to the Petitioner to cross examine the witnesses and to put forth the case of the Petitioner effectively. In any event, termination of the services of the Petitioner is highly excessive on the ground that the punishment is disprotionate to the nature of charges. Hence, the Petitioner prays to quash the order of dismissal dated 14-6-95 with consequential relief.

4. As against this, the Respondent in its Counter Statement contended that the Petitioner for the

advertisement issued by the Respondent for the post of security guard at Meenambakkam Airport applied for the same and after physical endurance test and interview, he was selected and appointed as security guard at Meenambakkam Airport. The Petitioner's probation period was held up for testimonial of his character and antecedent verification from the local authorities and previous employer. The District Collector of concerned area has informed the Respondent that the Petitioner was involved in two cases and registration of one more case was against the Petitioner. The previous employer also gave a report that the Petitioner was not discharged on his own request but on the ground 'his services no more required'. Therefore, the Petitioner was not confirmed in his service after six months as wrongly alleged by him. Because of the misconduct committed by the Petitioner even before joining the organisation by suppressing the fact while filling up the attestation form, the Petitioner was issued with show-cause notice dated 13-11-1992. Since the reply was not found satisfactory, the Petitioner was issued with charge sheet dated 6-1-94 for the acts of commission and omission in attestation form dated 1-6-90 furnished by the Petitioner. Since the reply was not found satisfactory and since the furnishing of false information or suppression of factual information in attestation form would amount to disqualification and likely to render the candidate unfit for employment in the Respondent organisation, an enquiry committee was formed and enquiry was conducted following the principles of natural justice. It is false to allege that no opportunity was given to the Petitioner to cross examine the witness. Four witnesses were examined on the side of the Respondent/Management and Petitioner was provided with an adquate opportunity to examine the documents and to cross examine the witnesses to refute the charges. 21 documents were marked in the enquiry and based on the findings of the Enquiry Committee, 2nd show-cause notice was issued on 16-12-1994. After receiving the reply, the competent authority passed an order imposing the punishment of dismissal from service on 20-3-95. Even the Appellate Authority passed the final order confirming the order of competent authority, since his appeal was not found satisfactory. Since the furnishing of false information or suppression of any factual information in the attestation form would be a disqualification and would become unfit for employment in the Respondent organisation. The said act of suppression of factual information would amount to serious misconduct as per model standing orders applicable to the Petitioner. There is no infirmity or illegality in restoring the complaint petition by the National Industrial Tribunal. Since the appointment of the Petitioner was done based on the declaration furnished by the Petitioner on the attestation form and since wrong information furnished by the Petitioner in attestation form in Clause 12 would reveal that he has never been arrested or prosecuted or convicted in any Court of Law for any offence or fined in any Court of Law, it is clearly established that the Petitioner has deliberately suppressed the information in the attestation form by falsely entering the column as 'No' and since particulars furnished by the Petitioner are not the correct but false, he has been awarded with the punishment. Further, the previous employer informed the Respondent that the Petitioner was discharged on the ground that 'service no longer required' under Army Rule 13 III(v) whereas the petitioner has mentioned that he was discharged on his own request. Therefore, having failed to furnish the correct information in the attestation form, it is false to allege that the local authorities have furnished wrong information and report and on that basis, false charges have been framed against the Petitioner. Non-submitting of factual information on attestation form certainly false under clause of commission of any act subversive of discipline and good behaviour. The Respondent has lost confidence on the Petitioner to continue him in service and it is established before the enquiry that misconducts for which the Petitioner was charge sheeted were proved and in the enquiry. the Petitioner was given ample oppartunity to corss examine the witnesses, to produce discharge certificate from the previous employer that he was discharged on his request from the Indian Army and since he failed to produce the same, the enquiry Officer has come to a correct conclusion and therefore, the punishment imposed by the competent authority on the Petitioner is fair, proper and justified. If theTribunal comnes to a conclusion that the enquiry held in this case is not fair and proper, the respondent craves the leave of this Tribunal to lead/adduce evidence before the tribunal to substantiate the charges levelled against the Petitioner. Hence, the Resondent prays that the claim may be dismissed with costs.

5. In these circumstances, the points for my consideration are—

(i) "Whether the action of the Respondent/ Management in terminating the services of the Petitioner is just, fair and legal?"

(ii) "To what relief, the Petitioner is entitled?"

Point No. 1 :—

6. This industrial dispute was raised by the Petitioner against the order of termination passed by the Respondent/Management. It is alleged by the Respondent that while furnishing the information at the time of joining the Respondent/Management service, the Petitioner has given false information or suppressed the factual information in the attestation form that he has not been arrested or prosecuted before that date and therefore, a charge sheet has been issued to him and after getting the explanation, which was not satisfactory, an Inquiry Committee was constituted and after following the procedures, the Petitioner was terminated from the services of the Respondent/Management as security guard.

7. In this case, on the side of the Petitioner Ex. W1 to W13 were marked. Ex. W1 is the copy of order passed by Judicial Magistrate I Class, Nuzvid in C.C. No. 149/85. Ex. W2 is the copy of judgement in C.A. No. 12/88 and Ex. W3 is the copy of show-cause notice issued to Petitioner. Ex. W4 is the copy of charge-sheet dated 6-1-94 issued to Petitioner and Ex. W5 is the reply given by the Peitioner to the charge-sheet dated 29-1-94. Ex. W6 is the letter of Respondent to Petitioner with regard to appointment of enquiry committee. Ex. W7 is the copy of report of enquiry committee. Ex. W8 is the show-cause notice dated 16-12-94 issued to Petitioner. Ex. W9 is the letter from Respondent to the Petitioner and Ex. W10 is the letter from Vigilance & Security Division to Security Manager, Bombay, Ex.W11 is the representation given by the Petitioner to Respondent regarding proposed punishment. Ex.W12 is the copy of dismissal order dated 20-3-95 passed by Respondent/Management Ex. W13 is the Order dated 15-4-99 passed by National Industrial Tribunal, Mumbai in Approval Application No. 32/95. On the side of the Respondent/Management Ex. M1 to M25 were marked by consent. Ex. M1 is the copy of enquiry proceedings dated 2-5-94. Ex. M 2 is the copy of charge sheet issued to Petitioner dated 6-1-94. Ex. M3 is the letter of Respondent to Petitioner with regard to constitution of Enquiry Committee. Ex. M4 is the copy of reply dated 29-1-94 given by the Petitioner to charge sheet. Ex. M5 is the copy of attestation form dated 2-6-90 submitted by Petitioner. Ex. M6 is the letter dated 16-8-91 sent by Collector, Krishna District to Respondent. Ex. M7 is the letter of Record Officer, Sena Police Corps, Bangalore to Respondent/Management. Ex. M8 is the copy of order in Crime No. 44/87. Ex. M9 is the copy of letter dated 4-4-91 sent by Respondent to Corps of Military police Records. Ex. M10 is the judgement dated 26-10-88 in C.A. No. 12/88 and Ex. M11 is the copy of letter from Record Officer, Sena Police Corps, Bangalore to Respondent. Ex. M12 is the copy of letter dated 16-8-91 of District Collector, Krishna District to Respondent/Management. Ex-M13 is the copy of letter dated 26-2-91 from Respondent to Collector, Krishna District. Ex.M14 is the copy of letter from Respondent to Assistant Director (Security) Bombay, Ex. M15 is the extract of FIR in C.R.No 171/85 and 44/87 of Nuzvid police station. Ex. M16 is the copy of letter dated 8-9-92 from Senior Record Officer, Sena Police Corps, Bangalore to Respondent/Management and Ex. M 17 is the extract of relevant pages of Army rules, 1954. Ex. M18 is the copy of letter from Security Officer to Vigilance Division and Ex. M 19 is the copy of FIR in Telugu with translation into English. Ex. M20 is the copy of final statement given by Petitioner to Respondent/ Management Ex. M21 is the report dated 16-11-1994 of Enquiry Committee. Ex. M22 and M23 are letters from respondent to Pettioner dated 16-12-94 and 2-1-95 Ex. M24 is the copy of representation dated 30-1-95 from the Petitioner to Security Officer, Bombay. Ex. M25 is the copy of dismissal order passed by the Respondent against the Petitioner. No witness has been examined on either side.

8. Learned counsel for the Petitioner contended that the Petitioner was charge sheeted on the ground that he has given false information or suppression of factual information in the attestation form with regard to his arrest and prosecution and therefore, it amounts to disqualification and rendered the candidate unfit for employment in the Respondent organisation, but on the other hand, the Petitioner has not suppressed or given false information and therefore, the order passed by the Respondent authorities is not maintainable. It is further contended that Petitioner was charge sheeted on the ground that he has been prosecuted in C.C. No. 149/85 filed by Nuzvid town police station under section 419 of IPC and he has been prosecuted and convicted and sentenced to undergo simple imprisonment for two months and fine of Rs. 2000/- under section 248(2) of Cr. P.C. by the 1st Class Judicial Magistrat, Nuzvid on 10-12-87 secondly he has also involved in criminal case registered under Crime No. 44/87 under section 366 IPC by Nuzvid Police Station, which was further tried in the Court of First Class Magistrate, Nuzvid in C.C.No. 19/87; and thirdly, while filling column 11(a) of the Attestation form, the Petitioner has stated that "individuals's request forwarded to CMP Canteen & School, orders passed by GOC of PH & HP area, Ambala Catt." as reasons for leaving his earlier service in the Army, on the other hand, he was discharged by the order of an officer-incharge under the provisions of Army Rule 13 (III) (V) as 'service no longer required'. But, all these charges are baseless on the gound that the misconduct namely commission of any act subversive of discipline or good behaviour cannot be applicalbe in this case because under no stretch of imagination, it can be said that the three alleged incidents fall within the frame work of the aforesaid rule. He further argued that the aforesaid rule comes into play only after person has become fullfledged employee of the Respondent and any act done by a person after commencement of employment with the Respondent/ Management if found to be subversive of discipline or good behaviour can form basis for departmenntal enquiry. In this case, all the three acts were admittedly prior to the Petitioner's joining the services of the Respondent and hence, show-cause notice and consequent doestic enquiry and confirmation order stand vitiated and therefore the charges framed against the Petitioner are not maintainable.

9. But on the other hand, the learned consel for the Respondent contended that worng information furnished by the Petitioner in the Attestation form in Clause 12, which would reveal that he has never been arrested or prosecuted or Convicted in any Court of Law or fined in any Court of Law, would amount to his bad behaviour and it also reveals that the Petitioner has deliberately

suppressed the information in the attestation form by falsely entering the column as 'No.' Since the particulars furnished by the Petitioner are not correct and the same are false and this false information in the attestation form certainly falls under the clause of commission of an act subversive of discipline or good behaviour and since the Petitioner has not come forward to furnish the correct information which is required to be furnished, the Respondent/Management has lost confidence to continue him in service and therefore, the charges framed against the Petitioner are just and proper and it cannot be said that it is not maintainable.

10. Learned counsel for the Petitioner further contended that with regard to first indictment, the Petitioner demonstrated that the entire case was fabricated and he was honourably acquitted by the Sessions Court, Krishna District as early as 26-10-88 and no stigma, whatsover can be attached to the Petitioner in respect of that incident. Similarly, with regard to 2nd incident, the Petitioner was not prosecuted in any Court of law and the entire proceeding was closed 'as a mistake of fact'. With regard to third indictment, the Petitioner has made a request to get discharged form the Indian Army and the authorities in excercise of powers under Rule 13 (III) (V) of the Indian Army Rules, 1954 discharged the Petitioner from army serivce. A combined reading of rule 13 and other relevant rules would go to show that discharge from Army under rules 13 (III) (v) is an non event and cannot be construed as disgraceful ouster from the army and the authorities of the Respondent have misconstrued the legal position and had come to a wrong conclusion that Petitioner was discharged from the military service on some allegations. It is his further argument that with regard to the first indictment even if it was disclosed, it would not have disqualified him from the employment. The Petitioner also had a bonafide belief that the had not really screened or suppressed any vital information and since the application form contained objective type questions and without paying serious attention to the questions, the Petitioner mechanically ticked 'No' and therefore, he has not committed any breach or suppressed any fract and these things had happened long prior to his application for the post under the Respondent/ Management. With regard to second indictment, the Peittioner was not prosecuted at all and the case filed against the Petitioner was dismissed as mistake of fact and under such circumstances, it cannot be said that the Peitioner has been prosecuted for an offence under section 336 of IPC and further with regard to discharge of Petitioner from army service, the respondent authorities have misstated the provision or rule and under such circumstances, it cannot be said that these acts of the Petitioner can fall within the clause 'commission of any act subversive of discipline or good behaviour' In this case, the Petitioner has successfully completed the probation period without any adverse remarks. After a long lapse of time, the Petitioner was charges sheeted and under such circumstances, it cannot be said that the charges framed against the Petitioner have been proved and the enquiry was biased, predetermined and the findings are perverse and further no opportunity was given to the Petitioner to cross examine the witnesses examined on the side of the Respondent/Management and therefore, it is vitiated. He further stated that no doubt the charges were framed mainly based on the verification certificate issued by Collector of Muchilipattinam, who is the local authority, but the letter of the Collector does not contain the true state of facts and based on his incomplete and erroneous information, the Respondent/Management has proceeded against the Petitioner. The alleged verification report stated that the Petitioner was convicted and sentenced to undergo simple imprisonment for two months and fined Rs. 2000/- by I Class Judicial Magistrate, Nuzvid in C.C. No. 149/85 and later the conviction was reversed by the Court of Sessions, Krishna District, Vijayawada, whereas the true fact is the Petitioner was sentenced for a fine of Rs. 2000/- under section 419 of IPC in C.C. No. 149/85 by Judicial Magistrate I Class, Nuzivid, which on appeal, was reversed by Sessions Court, Krishna Division in Criminal Appeal No. 12/88 on 26-10-88. Since the Petitioner bonafidely believed that having been acquitted from the charges, it is not necessary to elaborate the entire history in the attestation form and hence he has mentioned as 'no' in the column. With regard to second allegation mentioned in the charge sheet, though the case has been registered under Crime No. 44/87 in Nuzvid town police station and a calendar case was filed in C.C. No. 19/87, the said case was closed as a mistake of fact and therefore, it must be deemed to be considered as no case at all Under such circumstances, it cannot be said that the Petitioner has been prosecuted for the offence under section 366 of IPC. Learned counsel for the Petitioner further contended that under Army Rule 54, 13(III)(v) mentions the grounds of discharge as 'All other classes of discharge' and in the column Competent Authority to discharge is 'Brigade sub Area Commander' and Column 4 mentions manner of discharge, wherein it is stated 'the Brigade or Sub Area Commander before ordering the discharge shall, if the Circumstances of the case permit, give to the person, whose discharge is contemplated, an opportunity to show cause against the contemplated discharge. In this case, though the Petitioner has mentioned in the attestation form that he has been discharged on his request, as his service has no longer required, he was discharged, it is alleged when he has not stated the reason for his discharge, they have interpreted this rule that under Army Rule 13(III)(v) the employer has stated that the remark's service no longer required' and not on his own request and had further

come to a wrong conclusion had the dischage been on the request of the Petitioner, it would have been shown under 13(III)(iv) and not under 13(III)(iv). But Rule 13(III)(iv) will come into force only if the army man has made a request for discharge before fulfiling the conditions of his enrolment. but, in this case since the Petitioner has not made any request before fulfilling the conditions of enrolment, he has been discharged under Rule 13(III)(v) and not under 13(III)(iv) and thus, the Respondent has misinterpreted the provisions of law and has come to a wrong conclusion and therefore, the charge framed against the Petitioner is not maintainable.

11. On the other hand, the learned counsel for the Respondent contended that there is no infirmity or illegality in the order passed by the Enquiry Officer. since the Petitioner has given a wrong information in the Attestation form in Clause 12, which would reveal that he has never been arrested or prosecuted or convicted in any Court of Law or fined in any Court of Law. it amounts to a wilful suppression of fact and this act is a deliberate act on the part of the Petitioner and he has falsely filled up the column as 'no' and if the particulars were given with true fact, he must have thought, he would not have been employed in the services of the Respondent and therefore, he has wantonly suppressed the fact and falsely entered the column as 'no' and therefore, the order passed by the concerned authority is just and proper. Further, it is contended on behalf of the Respondent that even in the first page of the attestation form warning is given to the applicant that those who have to make entries in the attestation form to the effect that furnishing of false information or suppression of any factual information would be disqualified and is likely to render the candidate unfit for employment in the Respondent organisation. Under such circumstances, when the Petitioner has deliberately suppressed the factual information in the attestation form and falsely made an entry in the column, the action taken by the management is just and proper. It is a case not mere 'suppressio veri' but one of 'suggestio falsi.' The Petitioner having failed to fill up correctly the columns and according to the terms and conditions of the appointment the services of the applicant would be terminated without assigning any reason by giving one month notice or on payment of one months' salary and allowances and hence the question of violation of principles of natural justice would not arise in this case. Further, without giving the correct information in the attestation form, the Petitioner wanted to allege that the local authorities have furnished wrong information and report about him and based on the wrong information, the Respondent/ Management has taken action against him. It is not correct to say that the local authorities have given wrong information with regard to the Petitioner. Even though the Petitioner's Criminal appeal was allowed in the first indictment, even though the criminal case filed against the Petitioner under section 366 has been closed under mistake of fact, since the Petitioner has wantonly and deliberately suppressed the facts in the attestation form, he is not entitled to claim that he has not made any mistake and his act will not amount to serious misconduct as per model standing orders.

12. Again, the learned counsel for the Petitioner relied on the rulings reported in 2004 AIR SCW 2288 BHAGWAN LAL ARYA *Vs.* COMMISSIONER OF POLICE, DELHI AND ANOTHER wherein concerned police constable absented himself for two months, eight days and seventeen hours on medial grounds and while during the period, he remained under treatment of govt. Doctor and sent application for leave on medical grounds supported with medical certificates from competent medical authorities, in accordance with leave rules and also the competent police authority passed an order sanctioning leave without pay for the period of his illness as no other leave was due to him, the Disciplinary Authority dismissed the Petitioner from service on the ground that it amounts to grave misconduct, wherein the Supreme Court has come to the conclusion that *"under no circumstances, this can be termed as grave misconduct or continued misconduct rendering him unfit for police service."* Similarly in this case, the Petitioner was selected as security guard and he has been successfully completed the probation period and after a longer number of years in the service of the Respondent/Management, the Petitioner cannot be dismissed from the service on the ground that he has suppressed certain facts in the attestation form.

13. On the other hand, the learned counsel for the Respondent relied on the rulings of Supreme Court and High Court and argued that the Petitioner has suppressed the material information to avoid the situation of not being considered for the job and under such circumstances, it cannot be said that the action taken against the Petitioner is not valid in law. The first case cited by the learned counsel for the Respondent is 2003 III LLJ 966 PRASADA RAO K. *Vs.* SUB DIVISIONAL INSPECTOR (POSTAL) GIDDDALUR SUB DIVISION AND OTHERS, wherein the Petitioner in that case has got appointment in postal department by saying 'No' against enquiries in a form filled up by him for obtaining the job. The said enquiries were whether the candidate was ever arrested or prosecuted and in fact he had been involved in a criminal case and arrested and he challenged before the Tribunal and show cause notices issued to him and on the dismissal of O.A. by the Tribunal, the Petitioner filed Writ Petition before the High Court of Andhra Pradesh wherein, the High Court while dismissing the case of the Petitioner

observed that "*if as represented, the Petitioner had suppressed the material information to avoid the situation of his not being considered for the job, he was not a truthful person and it would be safe not to have such a person in the employment*" and the High Court further held that "*it was not important whether the Petitioner got acquitted in the criminal case or not?*" In the second case relied on by the learned counsel for the Respondent is 2004 2 LLJ 482 B.R. CHOWDHURY *Vs.* INDIAN OIL CORPORATION LTD. AND OTHERS, wherein dealership was terminated on the information furnished by the appellants found to be untrue. Against that order, he has filed a Writ Petition and it went upto Supreme Court. The Supreme Court has held that "*Indian Oil Corporation was well within the right to terminate the agreement for untrue and incorrect information in the application for dealership*". The third case cited by the counsel for the Respondent is reported in 2003 II LLN 523 KENDRIYA VIDYALAYA SANGATHAN AND OTHERS *Vs.* RAM RATAN YADAV. In that case an employee was appointed as Physical Education Teacher by the Kendriya Vidyalaya Sangathan and he was terminated by the management on the ground that he had concealed the fact that he was prosecuted and a case was pending against him in the Court of Law. The Central Administrative Tribunal upheld the order of the management. When the matter came up before the Supreme Court, the Supreme Court allowed the appeal by setting aside the judgement of High Court and restoring the order of Central Administrative Tribunal observing that "*a criminal case was pending against him, when the Respondent filled the attestation form in which by writing 'No' against the relevant queries, he plainly suppressed the material information and made a false statement and hence, the termination of his service was justified.*" Another case, relied on the Respondent counsel is reported in 1979 1 LLJ 421 T.R. BALAJI *Vs.* MANAGEMENT OF INDIAN BANK AND ANOTHER, wherein an employee was terminated as per the terms of appointment for failure to disclose in the application form information regarding the employment of his father's step-brother in the service of the Bank. He has filed a Writ Petition before the High Court against the termination order, which was dismissed and the employee has preferred Writ Appeal and in that the Division Bench of the Madras High Court has held that "*the order of termination in that case is not by way of punishment, where the services of a probationer was terminated in accordance with the terms and conditions of contract*" and in that case the Division Bench held that "*the reason according to them is that the bank is an institution wherein confidence and confidence alone counts. Where, therefore, an employee namely the Respondent/Bank is satisfied that the applicant has not come forward to furnish an information which is required to be furnished, it must have lost confidence to continue him in service and that is why the order impugned clearly mentions about suppression*" and therefore, upheld the order of termination. Thus, the learned counsel for the Respondent contended that though the Petitioner has stated so many reasons for filling up the attestation form, it is clearly established that he has suppressed the fact that he has been prosecuted for an offence under IPC and he has been arrested and such things established the fact that he has deliberately suppressed the information in the attestation form and falsely entered the column as 'No' and since he has failed to furnish the correct information, the action taken against him by the Respondent is just and proper. Under no stretch of imagination, it can be said that it is not legal or unjust or unfair and under such circumstances, this claim made by the Petitioner is not maintainable before this Tribunal. I find much force in the contention of the learned counsel for the Respondent.

14. The learned counsel for the Petitioner further argued that the Petitioner bonafidely thought that having been acquitted from the charges and having been closed the crime against him on the ground of mistake of fact and though the incidents have taken place long prior to his employment, he thought it fit that these things need not be mentioned elaborately in the attestation form and this omission was not wilful, on the other hand, his services were unblemished under the Respondent/Management and he has completed the probation period successfully and no remarks have been made against him during the probation period and under such circumstances, it cannot be said that his action warrants punishment of dismissal from service. Learned counsel for the Petitioner further contended that in any event, the termination of Petitioner's service for these charges is highly excessive and under Section 11A of Industrial Disputes Act, this court has got power to quash the same on the ground that the punishment imposed on the Petitioner is disproportionate to the nature of charges.

15. Though, I find some force in the contention, on consideration of the entire evidence in this case, I find the Petitioner has deliberately suppressed the facts with regard to his prosecution and also arrest in the attestation form and thus, he has suppressed the material information to avoid the situation of not being considered him to the post of security guard and therefore, he was liable to be taken action by the Respondent/Management for the alleged charges. Since the Petitioner has not come forward to furnish the information, which was required to be furnished, the Respondent/Management has lost confidence to continue him in service of security post. Under such circumstances, I find there is no point in the contention of the learned counsel for the Petitioner. Further in this case, the Petitioner has not completed the probation period as alleged by him. Only during the consideration of management, whether he

has successfully completed the probation period, it was held up for testimonial of his character and antecedent verification from the local authorities and previous employers and under such circumstances, there is no point in the contention of the Petitioner that he has successfully completed the probation period. Therefore, I find this point against the Petitioner. I hold the action of the Respondent/ Management in terminating the services of the Petitioner is just, fair and legal.

Point No. 2 :—

The next point to be decided in this case is to what relief the Petitioner is entitled?

16. In view of my foregoing findings, I find the Petitioner is not entitled to any relief. No Costs.

17. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 25th February, 2005)

K. JAYARAMAN, Presiding Officer

Witnesses Examined :—

On either side : None

Documents Marked :—

Ex.No.	Date	Description
W1	10-12-87	Xerox copy of the order in C.C. No. 149/85.
W2	26-10-88	Xerox copy of the judgement in C.A. No. 12/88.
W3	13-11-92	Xerox copy of the show cause notice.
W4	06-01-94	Xerox copy of the charge shee.
W5	29-01-94	Xerox copy of the explanation to the chargesheet.
W6	08-02-94	Xerox copy of the letter from Respondent to Petitioner Regarding enquiry.
W7	16-11-94	Xerox copy of the report of enquiry Committee with Documents.
W8	16-12-94	Xerox copy of the show cause notice to proposed Respondents.
W9	02-01-95	Xerox copy of the letter from Respondent to Petitioner.
W10	26-12-94	Xerox copy of the letter from Vigilance & Security Division to Secruity Manager of Respondent.
W11	30-01-95	Xerox copy of the letter from Petitioner to Security Manager of Respondent.
W12	20/28-3-95	Xerox copy of the dismissal order passed by Respondent.
W13	15-04-99	Xerox copy of the order of National Industrial Tribunal in A.A. No. 32/ 95.

For the II Party/Management :—

Ex.No.	Date	Description
M1	02-05-94	Xerox copy of the enquiry proceedings.
M2	06-01-94	Xerox copy of the charge sheet issued to Petitioner.
M3	08-02-94	Xerox copy of the letter from Respondent to Petitioner regarding Enquiry Committee.
M4	29-01-94	Xerox copy of the reply from Petitioner to charge sheet.
M5	02-06-90	Xerox copy of the attestation form submitted by Petitioner.
M6	16-08-91	Xerox copy of the letter of Collector, Krishna District.
M7	16-04-91	Xerox copy of the letter from Record Officer, Sena Police Corps, Bangalore.
M8	Nil	Xerox copy of the proceedings in C.C.No. 44/87.
M9	04-04-91	Xerox copy of the letter from Respondent to Corps of Military Police records, Bangalore.
M10	26-10-88	Xerox copy of the order in C.A. No. 12/88.
M11	16-04-91	Xerox copy of the letter from Record Officer, Sena Police Corps, Bangalore.
M12	16-08-91	Xerox copy of the letter from Collector, Krishna District.
M13	26-02-91	Xerox copy of the letter from Respondent to Collector.
M14	09-10-91	Xerox copy of the letter from Respondent to Assistant Director, Security.
M15	Nil	Extract of FIR in C.R. No. 171/85 & 44/87.
M16	08-09-92	Xerox copy of the letter from Senior Record Officer to Respondent/ Management.
M17	Nil	Extract of Army Rules, 1954 with notes.
M18	21-09-92	Xerox copy of the letter from Security Officer to Vigilance Department.
M19	Nil	Xerox copy of the Telugu FIR index translation.
M20	29-06-94/ 07-07-94	Xerox copy of the final statement of Petitioner given to Respondent/Management.
M21	16-11-94	Xerox copy of the report of Enquiry Committee.
M22	16-12-94	Xerox copy of the letter from Respondent to Petitioner.
M23	02-01-95	Xerox copy of the letter from Respondent to Petitioner.
M24	30-01-95	Xerox copy of the letter from Petitioner to Security Manager, Bombay.
M25	20/28-3-95	Xerox copy of the order of dismisssal passed by Respondent.

नई दिल्ली, 26 जून, 2005

का. आ. 2611.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. I, चंण्डीगढ़ के पंचाट (संदर्भ संख्या 408/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2005 को प्राप्त हुआ था।

[सं. एल-40012/345/2000-आईआर(डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 26th June, 2005

S.O. 2611.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 408/2001) of the Central Government Industrial Tribunal /Labour Court No. I Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 26-6-2005.

[No. L-40012/345/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. I.D. 408/2001

Shri Ravinder Singh C/o Shri R.K. Sharma, H. No. 372, Sector 20A, Chandigarh

Applicant

Versus

(1) The Chief General Manager, Telecom, Punjab Circle, Sector 34, Chandigarh-160001

(2) The Principal General Manager, Telecom, Sector 18, Chandigarh 160001 Respondents

APPEARANCES :

For the workman : Shri O.P. Singh

For the Management : Shri Shiv Kumar & Anish Babbar

AWARD

Passed on 20-5-2005

Central Govt. vide notification No. L-40012/345/2000/IR (DU) dated, 28-9-2000 has referred the following dispute to this Tribunal for adjudication :

"Whether the action of Chief General Manager, Telecom Punjab Circle, Chandigarh and the Principal General Manager Telecom, Chandigarh Distt. in ordering disengagement/termination of services of Shri Ravinder Singh, a workman engaged through contractor M/s. Gupta w.e.f. 27-2-99 is just and legal? If not, to what relief the workman is entitled and from which date?"

2. Workman AR submits that workman is not contacting him nor available and old representative is also not traceable. It appears that workman is not interested. The management representative Shri Shiv Kumar submit that as per postal report workman is not available and he prayed for the dismissal of the reference. Statement of AR of both the parties recorded to the effect that old AR is not traceable and workman is not contacting himself to the union and the management has no objection.

In view of the submission of the rep. of the management and that of the workman who is now President of the Union Mr. O.P. Singh, it appears that workman is not interested and gainfully employed, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed file be consigned to record. Chandigarh.

20-5-2005

RAJESH KUMAR, Presiding Officer

नई दिल्ली, 27 जून, 2005

का. आ. 2612.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट हेल्थ ऑर्गेनाइजेशन के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. I, नई दिल्ली के पंचाट (संदर्भ संख्या 72/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2005 को प्राप्त हुआ था।

[सं. एल-42011/7/2000-आईआर(डीयू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 27th June, 2005

S.O. 2612.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 72/2000) of the Central Government Industrial Tribunal/Labour Court No. I, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Air Port Health Organisation and their workman, which was received by the Central Government on 27-6-2005.

[No. L-42011/7/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

PRESIDING OFFICER : SHRI S. S. BAL

I.D. No. 72/2000

In the matter of dispute between :

Smt. Asha Rani (Sweeper),
C/o. All India Port & Airport Health Employees Union,
Airport Health Organisation, Palam Airport,
New Delhi-110037.

Workman

Versus

The General Manager,
Airport Health Organisation,
Delhi Airport, Palam Terminal-I,
New Delhi-110037.

Management

APPEARANCES : None

AWARD

1. The Central Government in the Ministry of Labour vide its Order No. L-42011/7/2000/IR (DU) dated, 30-6-2000 has referred the following industrial dispute to this Tribunal for adjudication.

> "Whether the action of the Airport Health Officer, Airport Health Organisation, (Director General Health Services), IGI Airport, New Delhi is not regularising the services of Smt. Asha Rani, Part time sweeper who has been working since 25 years is legal and justified, If not, so what relief the workman is entitled and from what date?"

2. The workman Smt. Asha Rani has last appeared on 29-3-03 when the case was fixed for filing documents and admission/denial. Thereafter the workman has not appeared on subsequent on about 7 hearings including today. It appears that the workman, Smt. Asha Rani is not interested in the prosecution of this case. Management representative, Sh. Sanjay Aggarwal is also not appearing since 20-5-2004 and on subsequent about 5 hearings. It appears that neither the workman nor the management is interested in the prosecution of this case. The claimant Smt. Asha Rani has claimed in claim statement that she has been working as part time sweeper with the Respondent "Airport Health Organisation" for the last 25 years, which fact is not denied by the respondent. However some legal objections have been raised such as (i) That the reference is liable to be dismissed as not maintainable at law. (ii) That the respondent 'Airport Health Organisation' is under the control of Airport Authority which appears to be part of Delhi Airport and this Court has not jurisdiction to determine the dispute of employees and respondent.

3. On merits it is stated in the written statement that there is no sufficient work at Airport as two part time sweeper are working there, one for domestic Airport and another for International Airport and rules do not permit the regularisation of a part time sweeper into a full time sweeper.

4. The Claimant is working with Respondent/ Management i.e. Director General of Health Services and is under the control of IGI Airport, New Delhi which is part and parcel of International Indira Gandhi Airport which is providing transport services by way of flight within the country and outside even if the claimant is employed at the domestic Airport of IGI, it is providing transport services to the member of the public by way of flight which is a systematic activity of providing transport services with the corporation between the workman and the employer and thus the Management/Respondent comes within the ambit of 'Industry' as defined in Section 2(j) of I.D. Act. It cannot be taken out of the ambit of 'Industry' simply because the airport is designated as domestic Airport. The Claimant is working and doing the job of cleanliness for the premises of the Respondent. The workman is doing the work under the respondent which is an 'Industry'. Therefore this court/ Tribunal has jurisdiction to entertain the reference and this objection is not tenable in the eye of law.

5. Admittedly, the claimant is working with the respondent for the last 25 years and more. The department should sympathetically consider her case for providing her regular appointment of sweeper or any other suitable post if any post is available or becomes available in the near future.

Dated : 26-05-2005

S. S. BAL, Presiding Officer

नई दिल्ली, 27 जून, 2005

का. आ. 2613.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक आफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय सं. II चण्डीगढ़ के पंचाट (संदर्भ संख्या सीजीआईटी-II/ 2005-06/301) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2005 को प्राप्त हुआ था।

[सं. एल-12012/20/2004-आईआर(बी-I)]
अजय कुमार, डेस्क अधिकारी

New Delhi, the 27th June, 2005

S.O. 2613.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (No. CGIT=II/2005-06/301) of the Central Government Industrial Tribunal / Labour Court No. II Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of State Bank of India and their workman, which was received by the Central Government on 27-6-2005.

[No. L-12012/20/2004-IR (B-I)]
AJAY KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, H. NO. 1228, SECTOR, 24-B, CHANDIGARH

PRESIDING OFFICER : SHRI KULDIP SINGH

Case No. L-12012/20/2004-IR(B-I)

Date of Institution 22-06-2004

Date of Decision 31-05-2005

Satnam Singh S/o Shri Amar Singh R/o 107-C, Hansi Road, Street No. 4 Karnal-132001

Versus

State Bank of India, Zonal Office, Haryana, Panchkula.

Mr. Suman Sharma, Advocate to the workman

Mr. V.K. Sharma, Representative to the Management

AWARD

The Government of India vide notification No. L-12012/20/2004/IR (B-I) dated, 26th May 2004, referred the following dispute for adjudication by this Tribunal-cum-Labour Court :

> "Whether the action of Management of State Bank of India in removing the services of Shri Satnam Singh S/o Shri Amar Singh C/Clerk w.e.f. 24th of October, 2002, is just and legal? If not, to what relief the applicant is entitled to?"

The reference was received in this Court on 21st of June, 2004 and it was entered in the concerned register. Upon notice, the parties appeared through their representatives. The workman filed claim petition on 19th of August, 2004 and the Management filed written statement on the next date. The workman did not file rejoinder and instead filed his affidavit on 24th of December, 2004. The Management also filed an affidavit in support of their claim on 11th of January, 2005, along wit the documents, copies whereof were given to the workman.

In their written statement the Management claimed that the workman was working as Assistant Accounts/ Cash at ADB Indri Branch Karnal when he committed gross misconduct for which he was charge sheeted vide letter dated, 11th of April, 2001. The workman denied the charges. Thereupon a departmental inquiry was ordered by the Disciplinary Authority. The inquiry was held after observing the principles of natural justice and fair play. The workman was afforded full opportunity to participate in the inquiry, cross-examine the witnesses. He was also provided with copies of all the documents, relied upon by the Management against the workman, that the Inquiry Officer found charges 1, 3-6, 8.1 to 8.3 and 10 proved, charges No. 7.1, 8 and 4 proved partially. Whereas charges 2, 7.2 and 9.1 were not proved. The Disciplinary Authority, on the basis of the finding in the inquiry, decided to impose a punishment of "removal from services" upon the workman, which was provided for gross misconduct in service and in that regard a notice was issued to him on 18th of July, 2002. The Disciplinary Authority, gave personal hearing to the workman and after consideration of all the record, came to the conclusions that the workman had committed serious misconduct which was deterimental to the Bank's interest and that tarnished the image of the Bank in the eyes of the public, therefore, ordered his removal from service vide order dated, 28th of October, 2002. The workman preferred an appeal, against the order of the Disciplinary Authority, before the Appellant Authority-Deputy General Manager of the Bank. The Appellant Authority, after due consideration, rejected the appeal.

The Management answered para by para to the claim of the workman and denied the claim made by the workman in paras 3 to 11. The Management also denied the assertion that the charge sheet, issued against the workman, on 11th of April 2002, was in violation of the condition of service and was vague and not proper. The Management also requested to allow them to produce evidence, in case the Court comes to the conclusions that the inquiry against the workman is vitiated for any reason.

Here, we may record the claim made by the workman, in the statement of claim, filed on 19th of August 2004. The workman has claimed that he was a permanent employee of the Management and was working in ADB Indri Branch in Karnal District and he was subjected to the service conditions Governed by Awards and Bipartite agreement, that he was suspended on 2nd of November, 1999 and was charge sheeted on 11th of April, 2001, after an unordinate delay, in violation of all services conditions. Otherwise, also the charge framed against him was vague and not proper and the allegations were wrong. He further claimed that the Management ordered an hoax and eye wash inquiry against him. The Enquiry Officer appointed, admitted the documents against the workman even when those were not proved by the witnesses of the Management nor the report of Fact Finding Enquiry, was produced in the proceedings. The workman further claims that the customers of the Bank, whose accounts are alleged to be, defrauded by him, were not produced as witnesses. The inquiry report is full of contradictions and was not based on facts brought on record. Otherwise also the allegations were proved by the Inquiry Officer on the basis of conjectures and surmises. The Enquiry Officer also did not provide the chance to the workman to cross-examine the witnesses of Management. Also did not bother to consider the plea, made by the workman. He also travelled beyond the charges, framed against the workman. The record shows that some of the allegations were not even levelled in the charge sheet. The lapses made by the Management were noticed by the Inquiry Officer, who noted that the Management failed to lodged FIR of the occurrence. Similarly, Disciplinary Authority did not apply its mind and awarded highest penalty without any rhyme or reason. The workman further challenges the report of inquiry and the order made, by the Disciplinary Authority, as non-speaking and based upon the notions of predecessor of the Inquiry Officer. The workman was allegedly made to sign on blank papers. The minutes of the inquiry proceedings were dictated by the Management and the workman was made to sign thereon. The Appellant Authority also dismissed the appeal without considering the submissions made by the

workman. The workman has prayed for holding that the action of the Management is illegal, invalid and arbitrary.

The workman has come to this Court for passing an Award holding that the action of the Management in removing him from services, is illegal, invalid and arbitrary, that the punishment awarded to him is illegal, unjustified and unsustainable in the eyes of law. He has prayed for the relief of all consequencial benefits, which he would have been entitled to, had the order impugned was not there. The reference, made by the Government of India, also relates to the question whether the termination of services of the workman Satnam Singh w.e.f. 29th of October 2002 was or was not just and legal and in case the Tribunal comes to the conclusions that the order was unjust and illegal, to what relief the workman is entitled to?

The workman has based his claims on the grounds that the Management, in violation of his service conditions, took one and a half year to issue charge sheet against him and thereby committed the lapse of long delay, to the prejudice of the workman. They further committed the lapse by issuing a vague and improper charge sheet. The Management also failed in its duty when malafidely ordered hoax and eye wash inquiry. the Inquiry Officer admitted the documents, produced by the Management, although the same were not proved by the witnesses of the Management. The report of the "Fact Finding Officer" was not produced in the inquiry, although disciplinary action was initiated against the workman on the basis thereof. The Management also did not produce Mr. Soni, the "Fact Finding Officer" as witness in the case nor any of the customers of the bank, whose accounts were alleged to have been defrauded by the workman, were examined as the witness.

The further claim of the workman, is that the Enquiry Officer, has not based his report on the evidence produced and has relied upon the statement of the witnesses who made contradictions in their statements. The enquiry is Based upon conjectures and surmises and is made by relying upon the documents the veracity of which was not allowed to be tested by the workman on the touch-stone of cross-examination. The Enquiry Officer also travelled beyond his jurisdiction and recommended major penalty on the basis of allegations which were not even levelled in the Charge Sheet against the workman. It is alleged that the Inquiry Officer did not observe the principles of natural justice as he tried to prove the charges by hook or by crook. He admitted the lapse on the part of Management for failing to have obtained the opinion of hand writing expert or Forensic Science Scientists. The Management also failed in its duty, by not lodging FIR. The order passed by the Enquiry Officer is non-speaking, bad for having been based upon the observations of his predecessor disciplinary Authority, although the observations of his predecessor were not made part of record.

It is also the case of workman that the Disciplinary Authority gave an eye wash personal hearing. He was made to sign on a blank paper on the plea that the signatures are being taken to acknowledge his presence in the proceedings. The minutes were recorded by the Manager, Disciplinary Procedure Cell. Similarly the Appellent Authority, also did not pass speaking order nor be considered the material available on record before passing the order. Even otherwise the punishment awarded is shockingly disproportionate to the alleged conduct of the workman.

The management has disputed all the grounds taken by the workman, in his statement of claim. The workman has filed his Affidavit supporting his claim whereas the Management has filed the Affidavit of their Deputy Manager Personnel Section, Region-3 Sh. O.P. Sonalia. From the pleadings of the parties the facts which emerge out as undisputed are that the workman was posted as Assistant (Account/Cash) at ADBS, Indri Branch, District Karnal of Management Bank in the years 1998-99, when he is alleged to have committed gross misconduct, as detailed in the charge sheet, served upon him, vide letter of Disciplinary Authority, bearing No. DGM/HARA/DPS/752 Dated 11th of April, 2001. As many as ten charges were levelled against the workman. The Enquiry Officer, conducted the inquiry and made the report whereby he reported that charges bearing Nos. 1,3, 4, 5, 8,1,8.3 and 10 were proved against the employee proceeded against (EPA). He further held charges bearing Nos. 7.1. 8 and 4 having been proved partially. According to him charges bearing Nos. 2,7. 2,9.1 were not proved.

The workman, in the statement of claim, has not denied that a domestic inquiry was held against him in which he appeared and presented his case. He has also not denied that he was given personal hearing by the Disciplinary Authority as well as by the Appellant Authority. He has only alleged that the personal hearing given to him were shame; that he was served with a delayed charge sheet; the charge sheet was vague and improper; that the Management withheld important piece of evidence, like the report of "Fact Finding Officer". They also did not examine as witness the officer who conducted the Fact Finding Enquiry, Sh. Soni, that the Enquiry Officer based his report, on the evidence which is full of contradictions, conjuctures and surmises; upon documents which were not proved; that the submissions made by the workman were not duly considered and the Enquiry Officer Travelled beyond his jurisdiction, by recommending a major penalty against the workman. He made recommendation upon the allegations which were not even part of the charge sheet; that the Enquiry Report was bad since the opinion of the Forensic Scientists and Hand Writing Expert was not taken. The Disciplinary Authority did not apply his mind, before taking his decision and passed the order on the observations made by his predecessor; that the order of Inquiry was non-speaking.

In the statement of claim the workman has not specified as to which part of his evidence was not considered by the Enquiry Officer. He has also not shown as to which of the documents were relied upon by the Enquiry Officer for proving the charges against him and were not duly proved. About the allegation that the report of the Fact Finding Officer was not made part of the proceedings nor the Fact Finding Officer

Sh. Soni was examined as witness in the case. The perusal of Enquiry Report shows that the Disciplinary Authority did not base his report on the report of the Fact Finding Officer. It is settled principle of law that it is optional with the person/authority who wants to prove a case, to choose which of the evidence he would rely upon, in support of his case and the otherside cannot force such a person/authority to produce such and such evidence and in such and such a manner, as pleased to him. Here if the Presenting Officer choose not to produce the report of Fact Finding Officer, against the workman, it cannot be read against the Management. If the Fact Finding Enquiry report was in favour of the workman, what prevented him, from seeking the directions of the Enquiry Officer, to get the report of Fact Finding Officer placed on the record. In my opinion this allegation of the workman is without any merit.

It is true that the Management did not produce any of the account holders, whose bank accounts were alleged to have been defrauded by the workman, produced as witnesses in the case. Incidentally one of the account holder died before the proceedings culminated against the workman. In my opinion there was not necessity to examine the account holders as witnesses, in the Enquiry since the Management produced the detail of transactions, in the accounts of customers in the books of Bank, whose accounts were alleged to have been defrauded. Besides the workman Satnam Singh, in his own hand writing and in presence of Sh. K.R. Yaduvanshi, admitted, before Shri B.L Arora, Branch Manager, that Sh. Pritam Singh account holder No. 1967 was his distant relation; that whenever he was in need of money, he withdraw money from the account of Shri Pritam Singh, by signing as Pritam Singh such as on 31st of March, 1999 an d 16th of August, 1999, and he returned the money to Pritam Singh later on. He further admitted that he had made the entry for an amount of Rs. 17,000 in the said account and in the account No. 8072 entered withdrawal that he owed 30,000 rupees to Pritam Singh and after the payment thereof, account of Pritam Singh will be clear. He begged excuse from the Branch Manager, for his lapses.

The workman, neither in the statement of claim nor in his Affidavit or at any other stage ever alleged that he had not executed documents Ex. P-6, P-7, P-8 and P-9, in presence of Shri K.R. Yaduvanshi or that the said documents were not in his hand writings or that the said documents were written by him under duress or coersin. Now it does not lie in the mouth of the workman to say that there was necessity for production of account holders, whose accounts were alleged to have been defrauded, as witnesses in the inquiry. The matter got clinched when the workman admitted his commissions and ommissions before the Branch Manager. It is a different matter that the workman later on, by another letter dated 7th of February, 2000, exhibit P-1 denied all the allegations levelled against him, without making any reference to his earlier written statement dated 18th of October, 1999, exhibit ED-6, P-7, P-8, P-9. The workman also did not stay as to what were the circumstances in which he had executed those documents. The allegation of inducement and coercion came to the mind of workman only at the time he replied to the notice, issued by the Disciplinary Authority, purposing a particular punishment, after holding him guilty of gross misconduct, on 1st of August, 2002 and thereafter at the time of his filing appeal before the Appellant Authority, on 10th of December, 2002, that is, almost after two years of executing the documents exhibits P-6, P-7, P-8 and P-9. Thus the allegation is after thought and manipulated. He has not shown as to who induced him and with what reward and who caused him coersion. He has also not shown as to why he did not level the allegation of coercion and inducement, during the Enquiry even when Sh. K.R. Yaduvanshi, PW-2 appeared as a witness for the Management and proceed documents P-6, P-8, P-9 claiming that those documents were executed by the workman in his presence. The workman also did not allege, what to talk of proved, the malafide on the part of Sh. K.R. Yaduvanshi to make such a statement against him. The account of the workman collaborates exhibit P-7 to P-9. There is, therefore, ample evidence on record to show that the workman made ommissions and commissions while posted in the ADP, Indri Branch of Sh. District Karnal, as was alleged and proved by the Enquiry Officer. I do not find any lapse committed by the Enquiry Officer, in coming to the conclusions, arrived at by him during the inquiry and the charge in this regard has been proved on the basis of the evidence available on record.

The workman has challenged the decision of Disciplinary Authority and of Appellate Authority, also on the grounds that a delayed charge sheet was served upon him which was vague and improper; that the report made by the Enquiry Officer was based; upon unproved documents; that the evidence upon which was based that report of enquiry officer, decision of the Disciplinary Authority, was full of contradictions, conjecturers and surmises, therefore, bad in law. It is also claimed that the Disciplinary Authority as well as the Inquiry Officer did not take pains to get the opinion of the Hand writing Expert and Forensic Scientist to assess the evidence against the workman. I have considered these submissions in co-relations with the evidence brought on record. I do not understand what more specific charges, the workman could expect when a simple reading of the charge sheet framed against him, clearly show as to what was the lapses committed by the workman while working as Assistant in the Indri Branch of the Management Bank. The workman has also failed to show me which are the documents, as stated earlier, not proved but skill relied upon by the Enquiry Officer and then by the Disciplinary Authority. As stated earlier when the workman admitted the execution of documents P-6, P-7, P-8 and P-9, there was no necessity to look for other documents and to get them proved. The workman admitted to have meddled with the accounts of customers, including that the Pritam Singh, then where was the necessity to examine Pritam Singh or other customers about the allegations they made and the

transactions in their account. Despite that the Management examined S/Shri B.L. Batra and K.R. Yaduvanshi as their witnesses who proved the transactions, made by the workman, while posted in ADB Indri Branch of the Management Bank. The workman, the enquiry record shows, had full chance to cross-examine these witnesses and his defence representative, Sh. Batra, did his job very well by putting a number of searching questions to those witnesses, though the same did not prove to be of any help to the workman. On the perusal of the record I am satisfied that the claim of the workman that he was issued a vague and improper charge sheet is not of any merit. He has also failed to show me that he has been prejudiced, by so called delayed charge sheet and reliance of Managements documents against him.

The workman has also made contradictions in the statements of the witnesses of the Managements and conjectures and surmises, as the ground of attack which the workman claims has been given weight by the Enquiry Officer, so as to reach the conclusions. The workman has lost the right that it was not a judicial inquiry rather a domestic inquiry, done by the Officers of the Management. What could benefit the workman is the proof of violation of any natural justice by the Enquiry Officer while conducting the proceedings. As against to it the record of the Enquiry Proceedings show that the Enquiry Officer followed the procedure and respected the principles of natural justice. On 26th of June, 2001 when the workman due to his ill health, could not appear in the inquiry, no proceedings were conducted. Similarly on other occasions the proceedings were done well in presence of Inquiry Officer, the Presenting Officer, Defence Representative and the workman, who acknowledged their participation by putting their signatures on every page of the Enquiry proceedings. The Enquiry Officer also further took the care to not down the statements of the witnesses in their language, that is why, many of the statement were recorded in Hindi. The Inquiry Officer therefore, conducted the inquiry consciously and I have not found any instance where the workman was prejudiced by the conduct of the Inquiry Officer.

It has already been said that it was optional with the Management to produce the evidence, they choose, the best. If the Management failed to get the opinion of the hand writing expert of the Forensic Science Expert, it did not matter much especially when the workman made his breast clean by admitting the transactions in the defrauded accounts. Same can be said about the non-registration of FIR in the case, as the Management was in the commercial field and involvement of police in the working of the commercial institution is not seen with favour by anyone. If the Management decided not to lodge the FIR in the case it has not prejudiced the workman, rather saved him from additional inconvenience.

There is also no basis for the claim that the Inquiry Officer and the Disciplinary Authority passed non-speaking orders; and that the Disciplinary Authority based his order on the opinion of his predecessor. The following observation of the Disciplinary Authority believe this claim of the workman. In para No. 3rd of the report the Disciplinary Authority observed as under :

> I have gone through the submissions made by Sh. Satnam Singh, during the personal hearing held on 8-10-2002 and the written submissions submitted by him in the personal hearing. I have also again gone through the entire record, the enquiry proceedings/report. I do not find any reason to alter the tentative decision and have finally decided to "Remove" Sh. Satnam Singh from Bank's service in terms of para 521(5) of "Sastry Award" read with Para 18.28 of "Deasai Award" and Para 15 Sub Para (IV)(b) of the sixth Bipartite Settlement" dated 14-2-95 from the date of receipt of final order by Sh. Satnam Singh, which decision I hereby order. While the suspension period of Sh. Satnam Singh shall be treated as such and EPA will not be paid anything more than he has already received by way of subsistence allowance.

From the above observations it is clear that the Disciplinary Authority applied his mind before reaching the conclusion arrived at by him. The reference made by him about the tentative decision arrived at by his predecessor was only to show the proceedings done by his predecessor. It no way shows that the Disciplinary Authority did not apply his mind to evidence before taking the decision of removing the workman from the services. This claim of workman thus fails.

The workman has claimed that the Disciplinary Authority had obtained his signatures on a blank paper without showing as to when it was done. He has also failed to show what document was prepared on that piece of paper against the workman. Moreover, the workman is definitely a literate person who was working in the bank by then for quite some time. How could it be expected that he would have put his signature on a blank sheet especially when it is proved that he had such an enormus capability to commit fraud in the accounts of customers of the Bank to his benefit.

Before I examine the last claim of the workman it would be obligatory to examine the law produced by the parties in support of their respective claims.

The learned counsel for the workman submitted that this Tribunal has enormous powers to set aside the order of punishment passed against the workman in case the order is shown to have been passed upon a report which is contradictory in itself and has been found to be actuated with an ulterior motive. He has relied upon a judgment reported as 2001(1) Service Cases Today 301. I have gone through this authority. It was a case where there was sufficient evidence on record to hold that the Inquiry Officer was biased against the person proceeded against, and there were violations of principles of natural justice. Here the workman has failed to show that how and when the Enquiry Officer Committed, violations of principles of natural justice; and that the Enquiry Officer or for that matter, the Disciplinary Authority, was biased against him. Neither in

his pleadings nor in his statement before the Court, he made any such allegations. It is another matter that at a later stage, he levelled the allegations of non-considerations of evidence of the workman, non-application of mind and baised report, prepared on the basis of contradictory evidence, conjectures and surmises. This changed attitude was after thought.. still nothing has been shown to support this allegations.

As against to it the Hon'ble Supreme Court of India in a judgment reported as AIR 1996 S.C. 1232 laid down the law as under :

> It is settled law that the Tribunal has only power of judicial review of the administrative action of the appellant on complaints relating to service conditions of employees. It is the exclusive domain of the Disciplinary Authority to consider the evidence on record and record findings whether the charge has been proved or not. It is equally settled law that technical rules or evidence has no application for the disciplinary proceedings and the authority is to consider the material on record. In judicial review, it is settled law that the Court or the Tribunal has no power to trench on the jurisdiction to appreciate the evidence and to arrive at its own conclusion. Judicial review is not an appeal from the decision but a review of the manner in which the decision is made. It is meant to ensure that the delinquent receives fair treatment and not to ensure that the conclusion which the authority reaches at, it necessarily correct in the view of the Court or Tribunal. When the conclusion reached by the authority is based on evidence, Tribunal is devoid of power to re-appreciate the evidence and would come to its own conclusion on the proof of the charge. The only consideration the Tribunal has in its judicial review is to conclude whether the conclusion is based on evidence on record and supports the finding or whether the conclusion is based on no evidence.

In another judgment reported as "2003(2) Recent Service Judgements" the Apex Court laid down as under :

> Constitution of India, Article 226 - Judicial Review - Scope - Judicial review is not kin to adjudication of the case on merits as an Appellate Authority - Review by the Court is of decision making process and where the findings of the Disciplinary Authority are based on some evidence, the Court or the Tribunal cannot re-appreciate the evidence and substitute its own findings.

Disciplinary enquiry - Evidence - Standard of proof - in case of disciplinary inquiry the technical rules of evidence have no application -The doctrine of "proof beyond doubt" has no application- Preponderance of probabilities and some material on record are necessary to arrive at the conclusion whether or not the delinquent has committed misconduct.

In case of Union of India and Others V/s B.K. Srivastave reported as AIR 1998 Supreme Court 300, their lordships laid down the followings :

> Administrative Tribunals Act (13 of 1985), S. 14 - Judicial review - Powers of Tribunal —Tribunal cannot sit in appeal against order of Disciplinary and Appellate Authorities—Enquiry proceedings not violative of principles of natural justice—Enquiry held in accordance with Rules—Disciplinary Authority duly considered report of Enquiry Officer and examined whole of enquiry proceedings—Being satisfied that charges are proved imposed penalty of dismissal—Appellate Authority by reasoned order was also satisfied that Delinquent Officer was guilty or charges for which he imposed penalty of dismissal—There is no abuse of powers by Disciplinary and Appellate Authority—Tribunal setting aside enquiry report and dismissal order—wrongly exercised its jurisdiction.

The workman has relied upon the judgement of Haryana and Punjab High Court reported as "2001(4) SCT 936." In that case the Enquiry Officer had taken into consideration the past record of the Delinquent Official regarding which there was no charge served upon the official. It was in those circumstances the Hon'ble High Court held that termination of service in such an inquiry is bad being in violation of principles natural justice. In the present case Enquiry Officer did not base his report on a material which was not made the basis of the charge against the Delinquent Officer.

The reliance of the workman on the judgment reported as Ajit Jain versus National Insurance Company, reported as 2003(4) Service Cases Today Page 600, is also of not help to the workman for the reason that in that case the Apex Court had noticed an informity in the proceedings. However, in the present case the workman has failed to show me that he had accrued some informity in the proceedings; hence the inquiry report based thereupon is bad in law. I have gone through the proceedings and am of the opinion that Enquiry Officer had taken care of principles of natural justice, in conducting the inquiry, therefore, the report is free from any informity.

The counsel for the workman lastly argued that the punishment awarded to the workman is disproportionate to the alleged misconduct of the workman. I have considered this submission also carefully. There is not denying of the fact that the working of the Financial Institutions much depend on trust the depositors impose in the financial institution. The trust can be maintained only if the Financial Institution takes good care of the deposits made by the Account Holders and they are paid back their money along with interest at a time when they needs it. What can be the facts of account of that depositor

with which the employee of that institution medals. It comes as a shock to the depositors when he finds that the amount deposited by him has been withdrawn by an unauthorised person without his knowledge. The trust, the depositor imposes in the institution gets shattered on getting such as information and in the present case of conduct of the workman clearly exhibited that the account of the any of the depositor was not safe in such a bank. In that situation can such an employee should be retained who creates mistrust in the minds of the depositors of the Bank, retained in service. The answer is big no. In my opinion, the punishment awarded to the workman is well proportionate to the conduct of the workman. The Bank, by not lodging criminal case against the workman, in my opinion, save him from further embrasement and may be from the conviction especially in the circumstances when he admitted to have defrauded the bank by forging the signatures of the Account Holder.

After due consideration of pleadings of the parties, the submissions made by them. I am of the considered opinion that the management of State Bank of India was. well justified to remove the workman from their services and the order passed by them is legal in the eyes of law. Therefore, the workman is not entitled to any relief. The reference is answered in these terms. Let the copy of the Award be sent to the Appropriate Government for necessary action and file be consigned to record after due completion.

KULDIP SINGH, Presiding Officer

नई दिल्ली, 27 जून, 2005

का. आ. 2614.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. I चण्डीगढ़ के पंचाट (संदर्भ संख्या 141/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 26-6-2005 को प्राप्त हुआ था।

[सं. एल-40012/583/2000-आईआर(डीयू)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 27th June, 2005

S.O. 2614.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 141/2001) of the Central Government Industrial Tribunal/Labour Court No. I, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Department of Telecom and their workman, which was received by the Central Government on 27-6-2005.

[No. L-40012/583/2000-IR (DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI RAJESH KUMAR, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-1, CHANDIGARH

Case No. I.D. 141/2001

Shri Mukhtiar Ram C/o Shri R.K. Sharma,
H. No. 372, Sector 20A, Chandigarh.

......Applicant

Versus

(1) The Chief General Manager, Telecom, Punajb Circle, Sector 34, Chandigarh 160001

(2) The Principal General Manager, Telecom, Sector 18, Chandigarh 160001.

.....Respondents

APPEARANCES :

For the workman : Shri O.P. Singh

For the Management : Shri Shiv Kumar & Anish Babbar

AWARD

Passed on 20-5-2005

Central Govt. vide notification No. L-40012/583/2000/IR (DU) dated 26-3-2001 has referred the following dispute to this Tribunal for adjudication.

"Whether the action of Chief General Manager, Telecom Punjab Circle, Chandigarh and the Principal General Manager Telecom, Chandigarh Distt in ordering disengagement/termination of services of Shri Mukhtiar Ram, a workman engaged through contractor R.K.Mittal w.e.f. 27-2-99 is just and legal? If not, to what relief the workman is entitled and from which date?"

2. Workman AR submits that the workman is not contacting him nor available and old representative is also not traceable. It appears that workman is not interested. The management representative Shri Shiv Kumar submit that as per postal report workman is not available and he prayed for the dismissal of the reference Statement of AR of both the parties recorded to the effect that old AR is not traceable and workman is not contacting himself to the union and the management has no objection.

In view of the submission of the rep.of the management and that of the workman who is now President of the Union Mr. O.P.Singh, it appears that workman is not interested and gainfully employed, the present reference is returned to the Central Govt. for want of prosecution. Central Govt. be informed file be consigned to record.

Chandigarh
20-5-2005 RAJESH KUMAR, Presiding Officer

नई दिल्ली, 28 जून, 2005

का. आ. 2615.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस. रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ संख्या आई. डी. 12/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2005 को प्राप्त हुआ था।

[सं. एल-41012/105/95-आईआर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 28th June, 2005

S.O. 2615.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 12/1995) of the Central Government /Labour Court, Ernakulam now as shown in the Annexure in the Industiral Dispute between the employers in relation to the management of S. Railway and their workman, which was received by the Central Government on 27-6-2005.

[No. L-41012/105/95-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM
(In the Labour Court, Ernakulam)

(Monday, the 28th day of February, 2005)

Present : Sri K. K. UTHARAM, B. Sc., LL.B., Presiding Officer

INDUSTRIAL DISPUTE NO. 12 of 1995 (Central)

BETWEEN

The Executive Engineer (Construction), S. Railway, Podanur, Tamil Nadu.

AND

The workman of the above concern represented by the General Secretary, Dakshina Railway Casual Labour Union, Edapally North, Cochin–682024, Kerala State.

Representations :

Sri P.M.M. Najeeb Khan, Advocate, Ernakulam. .. For Management

Sri Paulson C. Varghese, Advocate, Ernakulam. .. For Union

AWARD

This reference was made by the Central Government of India as per letter No. L-41012/105/95 — IRB dated 5-5-95. The dispute is between the Executive Engineer (Construction) and their workman. The dispute referred is :

"Whether the action of the management of Executive Engineer (Constn.) S. Rly., Podanur in terminating the services of the workman viz. C.R. Unni working under PWI/Palghat w.e.f. 3-7-84 without complying the provisions of the ID Act, 1947 Indian Railway Establishment Manual is justified? If not, to what relief the workman concerned is entitled?"

2. The union filed claim statement raising the following averments :— The workman Mr. C. R. Unni was employed as a casual Labour under permanent way Inspector — Cochin/Palakkad. His services were continuous and uninterrupted ever since the date of appointment on 3-1-1984. He was drawing Rs. 780/- per month, at the time of termination while working. So the services of the workman was terminated on 2-7-1984 without seating any reasons. No compensation or on notice pay was offered to the workman at the time of termination of service. No allegations were raised against the workman at any point of time. Hence the action of the management terminating the services of the workman is unjustified, unsustainable and against the existing provisions of industrial disputes Act.

The workman is not alternatively employed anywhere, since the date of termination. He is finding if very difficult to pull on his huge family without any earnings.

It is therefore, respectfully prayed that this Hon'ble Court may be pleased to pass an award directing the management to reinstate the workman with full backwages and continuity in service.

3. The management filed written statement raising the following contentions :— It is submitted that Sri C. R. Unni, Project Casual Labour under this respondent, on daily rate of pay Rs. 13/- per day with effect from 22-12-83 and he was retrenched from service on 2-7-84 along with the other 379 such daily rated casual labourers for want of work with L.T.I. No. 517.

In O. P. No. 7570 of 1987 the Hon'ble High Court of Kerala defined that it is well established principle of Industrial Law, Industrial Court, Tribunal authorities do not entertain 'Stale' claims. According to the above decision the maximum period of entertaining a stale claim is 4 years. As such this stale claim is 10 years old thus the claim is liable to be dismissed in 'limini'. The photocopy of the said order of the Hon'ble High Court of Kerela is produced herewith and marked as exhibit R.I.

The applicant of Sri C. R. Unni, Project Casual Labour has filed a claim petition at Labour Court/Kozhikode vide No. 33/87 (Central) for the arrears of the Ty. Status after completion of 120 days of continuous service i.e. from 1-5-84 to 2-7-84. The respondent Railway has rejected the claim through the counter statement and submitted that the applicant was only a project casual labour and he was in employment in this project only for a period of 190 days.

As such he is eligible for monthly rate of pay plus Dearness Allowance for two days only as envisaged in the Railway Board letter No. E(NG)/II/83/1-6/5-4 of 6-6-83. The Hon'ble Labour Court has agreed and passed an order dt. 29-1-88 Exhibit R.II to pay the difference amount of Rs. 37.90 to the applicant. The same has also paid to the applicant. The photocopy of the said order of the Hon'ble High Court of Kerala is produced herewith and marked as Exhibit R.II.

It is humbly submitted that the above complaint is not eligible for temporary status on completion of 190 days of service as per with other open line casual labourers. The administration has accepted the difference in wage of two days Rs. 37.90 (i.e.) the difference of daily rate and monthly rate after completion of 180 days.

Further, the applicant has filed a written petition to the Assistant Labour Commissioner, Ernakulam for the completion of 120 days continuous service, he must be allowed for Temporary status as per order of Government Labour Court/Kozhikode vide C.P. No. 33/87. And also his termination was made without any notice and said notice was not given to him and the termination is illegal.

It is submitted that, the petitioner was initially engaged as a project casual labour. Project casual labours are not eligible Temporary status/CPC scale/after completion of 120 days service. They are eligible only for temporary status only in the wake of Hon'ble Supreme Court 1985(2) 648, w.p. 47,320-69, 559 in Indrapal Yadav and others and Railway Board Lr. No. E. (NG/ii/84)(CN/41 of 11-9-86 Exhibit R.III. The above project casual labour has not come under the purview of the above said order, he was in employment of 190 days of service only. Hence he is not eligible for retrenchment compensation and notice of termination. It is clearly seen from the Railway Board Order No. E(II) 8/AT/10/1-8 dt. 23-2-82 that the workman (regular or casual) should be deemed to have completed continuous service for one year under an employer if he has worked for 240 days (calculated in terms of Section 25B (2) of the I.D. Act) in a period of 12 months proceeding the date with reference to whose calculation is to be made. Even though he might not have been in service of the employer for one whole year.

The project casual labour of Sri C. R. Unni has completed only 190 days only in service processing the date of his retrenchment. Hence he is not eligible even for temporary status and notice of termination and retrenchment compensation.

In view of the above, it is submitted that Sri C. R. Unni, Project Casual Labour has worked only 190 days. He had already been given monthly rates of scale after completion of 150 days and difference also paid. The Hon'ble Labour Court had not ordered to given temporary status to the petitioner and only accept counter of administration as per rules.

Hence he is not eligible for any temporary status/ retrenchment compensation and notice of termination. It is also submitted that the action of this management to terminate the service of Sri C. R. Unni, Project Casual Labour with effect from 2-7-84 is as per the provision of I.D. Act, 1947. Indian Railway Establishment Manual. He is not eligible for any relief as per I.D. Act. Under the above circumstances it is humbly prayed that this Hon'ble Court may be pleased to dismissed the claim petition with court to this respondent.

4. The union filed rejoinder raising the following :— In this dispute the workman is seeking temporary status on the completion of 180 days of his continuous service under the management. In reply to the claim statement filed by the union the Railways filed a reply statement wherein the following facts are emerged.

The entire written statement reverbarates on a single point that the workman in question was a project casual labour. The said workman worked only for 187 days, hence he is not eligible for temporary status, CPC scale and other priveleges unless he completes 360 days, as per the IREM and orders issued thereunder.

It is submitted in this backdrop that the workman in question was engaged by the Executive Engineer, Construction S. Railway, Podaner as casual labour and he was in continnuous engagement from 3-1-84 to 2-7-84 for 187 days.

At the outset it is submitted that the workman in question is not a project casual labour. The respondent for the purpose of defeating the legitimate claim of the workman branded him as the project casual labour. As observed by the Supreme Court in L. Robert D' souza vs. Executive Engineer, construction, Ernakulam (1982 ILLJ 330) every construction work does not imply project. Project is co-related to planned projects in which the workman is treated as workcharge. The expression project is very well known is a planned development. Therefore, the assertion that the workman was working on the project is factually wrong. The management have no case that the workman was a work charged employee. It is further submitted that construction unit is a regular unit all over Indian Railways. It is permanent unit and cannot be equated with projects. Since the construction activity perpetual in nature which is distinguished from the 'project' the denial of temporary status, CPC scale to the workman is highly repugnant and contrary to the provisions of law, and further his temination without affording an opportunity of being heard further intensify the illegality at the hands of the management.

Since the construction activity is not a project the workman was not a project casual labour to deprive him the benefit of temporary status CPC scale. The workman becomes eligible to all privileges applicable to temporary railway servant as he has admittedly completed 187 days to satisfy rules in vogue. In the light of what is stated

above the workman is to be treated as a casual labour and not in project and he is to be granted the benefits following from paras 2501, 2505 and set aside the termination as null and void.

It is therefore prayed that necessary directions may be issued to the management to reinstate the workman with backwages and grant him temporary status CPC scale with retrospective effect and to hold that the termination of the workman is illegal and unjustifiable.

5. Management filed a reply statement to the rejoinder as follows :— The respondents deny all the material allegations made by the applicant except that are expressly admitted herein.

At the outset the respondent deny the existence of an Industrial Dispute between the applicant and the respondent.

The applicant cannot be taken as workman within the meaning of section 2(s) of the Industrial Disputes Act, 1947. The definition of a workman as per the I.D. Act 1947, is reproduced hereunder.

Workman means any person (including an apprentice) employed in any industry to do any manual unskilled, skilled reward whether the terms of employment be expressed or implied and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence, of that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person etc.

The attention of the Court is invited to the definition itself implies that the workman must be employed that the industry to do (may please be noted, the stress on present tense) i.e. should be working or has been dismissed/ discharged/retrenched and whose dismissal/discharge/ retrenchment has led to the dispute.

It is clear that the applicant was a workman under the respondent, but not 'workman' now as he has not been dismissed/discharged retrenched which has led to any dispute (The applicant has only asked for payment of assumed arrears of wages which were supposed to be due to him, and not challenged anything regarding dismissal/ discharged/retrenchment). Therefore, the applicant is not a workman as per I.D. Act, 1947 and cannot file a claim under I.D. Act.

The applicant was a workman under the respondent have been retrenched in the normal circumstances adopting the establishment rules and regulations.

The definition of Industrial Dispute as per I.D. Act 1947 is of reproduced hereunder :—

"Industrial Dispute means any dispute or difference between employees and employers or between employers and workman, or between workmen and workmen, which is connected with the employment or non-employment of the terms of employment or with the conditions of labour of any person.

This also clearly says that the Industrial disputes means any dispute between employer and workmen which is connected with employment or non-employment of the terms of employment or with the conditions of labour of any person.

It is brought out that there is no evidence that the applicant as aggrieved workman ever made a representation to the respondent and it has been refused by the respondent which is necessary condition for existence of an Industrial Dispute to be adjudicated by an Industrial Tribunal or a Labour Court. Under the I.D. Act the payment of assumed arrears of wages that too based on a court verdict in an incomparable case cannot be assumed to have a nature of Industrial Dispute.

The next for industrial dispute could be that the aggrieved party should be either 'Workmen' or 'Employer' treated as a group. The dispute should be about the employment or non-employment of the terms of employment or immediately after retrenchment for termination if the retrenchment or termination itself is disputed. The present application does not fail in any category of employment or non-employment. At the best it comes under terms of employment. Since the applicant has been working under the respondent with terms of employment and is not challenged it during the course of his employment it is clear that there is no dispute that existed, during the course of employment. Only it is raked up now after a court verdict in an incomparable case when the applicant themselves have ceased to be workmen.

The question at large is not connected with the employment or non-employment the terms of employment or the conditions of labour as provided in the definition of industrial dispute, but only payment of assumed arrears of wages for persons who are not workmen and the respondent(s) of the opinion that the Hon'ble court is not the appropriate forum to discuss the issue as neither it is coming under the category of Industrial Dispute nor the applicant is workmen nor any dispute existed or exists between the workman and the employer and on these ground alone the application is liable to be dismissed.

Section 33C (2) of I.D. Act under which the notice has been issued to the respondent also is limited by the wording of the section itself in that 'the amount at which such benefits should be computed may, subject to any rules that may be made under this Act be determined by such labour court. In as much as the applicant is not workman an here is no dispute as defined in the I.D. Act. Section 33(C) (2) of the I.D. Act also is not applicable.

In spite of the objection made out in the above paras the respondent submit further that the applicant was engaged as casual labour in projects. He has claimed the relief by his application for consideration of which. the

normal time limit, has already lapsed. It is brought to the notice of the court that the time limit for preservation of the records for casual labourers as per the rules of this department is only 10 years. But the applicant is claiming his relief for a period before 10 years on the date of application.

The notice of the court is drawn to verdict of the Hon'ble High Court Kerala in its OP No. 7570 of 1987, in which it is clearly stated that 'It is a well established Industrial law and industrial courts, tribunals and authorities do not entertain such stale claims. Even the Industrial Disputes Act, 1947 specifies a maximum period of 1 year for making claims with a provision for relaxation. But there is no sufficient grounds made out by the applicant for relaxation. According to Supreme Court the maximum period of entertaining even such claims for relaxation is only four years. Therefore, the claims made by the applicant is stale as per the above court verdicts and on these grounds alone the application is liable for dismissal as in limine.

The respondent deny the contention of the workman that he is workman under DPO/PGT. The fact is that he was worked under Executive Engineer, Construction, Southern Railway at Podanur who is the District Officer Incharge for casual labourers within the meaning of Section 2(g) (ii) (L) of the Industrial Disputes, Central Rules, 1957. The immediate Superior for Executive Engineer or is the Deputy Chief Engineer at Podanur. The next higher authority is Chief Engineer Construction, Southern Railway Madras. The Divisional Personnel Officer Palghat is in no-way connected with the applicant nor can be treated as the employer. In Railways working the Division is in charge of maintenance and operation of Railways for which the Divl. Personnel Officer assists only the Division in personnel matters. The construction department is separate and independent of the Division, works under the control of Chief Engineer who is aided by a separate Senior Personnel Officer who should have been cited as employer, if at all applicant want to cite a Personnel Officer of Railway as employer within meaning of section 2 of 11(c) of I.D. Central Rule, 1957. It is presumed that the applicant has included the name of Divl. Personnel Officer Southern Railway Palghat in order to show the application as within the jurisdiction and also extract undue benefits as Divisional Personnel Officer/Palghat may not be fully aware of the facts of the case and benefit of doubt is always given to the applicant.

It is also brought to the notice of the court that the applicant was engaged in projects in the territorial jurisdiction of Tamil Nadu. His pay drawing office is also situated in Tamil Nadu.

The relief if granted, is also to be granted by General Manager/Southern Railway/Madras whose office is at Madras. The Divl. Personnel Officer/Palghat is in no-way connected with the claims and the first respondent and his superior officers are also situated in the territorial jurisdiction of Tamil Nadu. Even any relief is granted by the court if it will be executed by the first respondent and his superiors in the territorial jurisdiction of Tamil Nadu only. Therefore, the applicant has filed case without jurisdiction and on this ground also the application can be dismissed as without jurisdiction.

It is also brought to the notice of the court that all the casual labourers who are working in Railways are issued casual labour cards which is an authentic record to establish their claims. It is requested that the applicant is to be directed to produce C.L. cards for considering his application which is issued to him.

It is also brought to the notice of the court that the period of preservation of Muster sheet for the casual labourers are only ten years and the applicant has filed his claims after the stated period of preservation, has expired, with an expectation that the Railways may not be in a position to produce any records at such as distant date and there is a possibility of getting benefits of doubt to the applicant.

In spite of the fact that the above objections out lined in above paras himself is adequate to dismiss the application the respondent wish to submit further that :—

The applicant was engaged as casual labour on projects (for definition of —project casual labourers refer below). The claims made by the applicant is on the following grounds:

(a) Claiming scale rate of wages after completion of 6 months of casual labourers service.

(b) Claiming temporary status after completion of 6 months of casual labourers service.

(c) Claiming leave salary on granting of temporary status.

(d) Claim interest and cost of litigation.

All the above claims revolves around the rules and procedures governing the terms of employment of project casual labourers and it is necessary to bring to the notice of the court and also the applicant the rules regarding terms of employment of project casual labourers in Railways. The respondent take this opportunity to brief the court and also the applicant about the terms of employment of project casual labourers in Railways.

The casual labour refers to 'Labour put on employment which is essentially intermittent, sporadic, and extend over short period. Labour of those kind is normally recruited from the nearest available source. The casual labourers in Railway are of two categories namely, open line casual labourers (those who are engaged and utilized for maintenance and operation of Railway line) and project casual labourers (those who are engaged in projects of Railways).

Project casual labourers are defined as seasonal labour who are deputed for specific work of less than 6 months duration or on projects. Projects include construction of new lines, major bridges, restoration dismantling lines and other major improvement line works like doubling widening of tunnels, bridges etc.

The project casual labour engaged in Railway projects as defined above, are eligible for 1/30 of appropriate scale rate of wages with Dearness Allowance on completion of 6 months of continuous service in the same type of work with effect from 1-6-74 (or) on the date from which 6 months continuous services is completed whichever is later by authority of Railway Board letter No. p.G 72/RLT/69-III dt. 12-6-74 copy of this order enclosed as R.I.

It is also brought to the notice of the court that the observations of Hon'ble Judge Shri N.M. Mia Bhai, Retd. Chief Justice. High Court of Gujarat who was the Chairman of Railway Labour Tribunal by whose order, the scale rate of wages for project casual labour was implemented, is reproduced below :

I may clarify that as a result of my this decision, project casual labourers will not acquire the status of temporary service nor will it have the benefit of any future increments. All that project labours will have under the above decision will be that if the local rates happens to be lower than the scale rate, then after project labour has been employed for a continnuous period of 6 months it will be paid at scale rate.

The scheme for granting temporary status to casual labourers in Railways was introduced with retrospective effect from 1-1-1981 based on the decision of the Supreme Court rendered in the case of Indrapal Yadav & Others *v.* Union of India. Copy of judgement is enclosed as R-2.

The project casual labourers on attainment of temporary status will be eligible for the following benefits:

(a) Period of notice for termination of service subject to provision of Industrial Dispute Act, 1947.

(b) Scale of rate of pay.

(c) Compensatory and local allowances.

(d) Attendance.

(e) Leave Rules.

(f) Provident funds and Gratuity.

(g) Allotment of Railway accomodation and recovery of rent.

(h) Railway Passes.

(i) Advances or any other benefits specially authorised by Railways.

(j) The qualifying service for pension and gratuity purpose will be taken as ½ of total temporary status service.

In brief the 'project casual labourers' will be eligible for scale rate of wages on completion of 6 months of continuous service on or after 1-6-74 (repeat on or before 1-6-74 only and they will be eligible for temporary status on or after 1-1-81 as per the following scheme:

(i) Those who have completed 5 years of service as on 1-1-81 treated temporary from 1-1-81.

(ii) Those who have completed 3 years of service but less than 5 years of service as on 1-1-81 treated temporary from 1-1-82.

(iii) Those who have completed 360 days but less than 3 years of service as on 1-1-81, treated temporary from 1-1-82.

(iv) Those who have completed 360 days of service on or after 1-1-84 treated temporary from 1-1-84 or the date on which 360 days are completed whichever is later.

The benefits as outlines in para 16 will accrue to casual labourers only after attaining temporary status and not before and that in any case cannot occur before 1-1-81, repeat this in any case cannot occur before 1-1-81.

It is clear that none of the project casual labour were granted the temporary status prior to 1-1-81 and none of the project casual labours were granted scale rate of wages before 1-6-74. If at all any arrears is admissible it will only for the period beyond the above mentioned date and not before and also it is subject to the continuity of service.

While verifying the available records the abose project casual labour of Sri. C.R. Unni LTI No. 570 worked under P I/CN/PGT. The above project casual labour was in employment of this construction organisation 190 days only. Hence he is not eligible for temporary status and CPC scale of pay. It is clearly seen from the Railway Board order No. E (II) 8/AT/10/1-8 dated 23-2-82, that the workman (Regular or casual) should be deemed to have completed continuous service for one year under an employer if he has worked for 240 days (calculated in terms of Section 25(B) (2) of I.D. Act) in a period of 12 months preceding the date with reference to whose calculation is to be made. Even though with reference to whose calculation is to be made. Even though he might not have been in service of the employer for one whole year.

The project casual labour of Sri. C.R. Unni has completed only 190 days in service processing the date of his retrenchment. Hence he is not eligible temporary status and CPC scale of pay.

It is respectfully stated that the same type of temporary status cases (after completion of 6 months continuous service) has been dismissed by labour court, Kozhikode. (44 joint trial cases, common order No. CP(C) 62/93 to 38/93 and 7 joint trial cases common order No. CP(C) 10/94 to 24/95—dismissed on 29-8-97.

In spite of the fact that the application is time barred without jurisdiction, not following the established procedures, invalid contentions, still the respondents have verified the application and found that the claims made are not sustainable as per the rules and provisions of Railways elaborated in the preceding paragraphs and therefore request that the application may please be dismissed.

The applicant has pointed the orders of Supreme Court and Robert D'souza versed Executive Engineer. Construction, Southern Railway, Ernakulam in O.A. No. 1613 of 1679 dated 16-2-82. A simple reading of the said court order will reveal that the court order will apply to the applicant namely Robert D' souza and not to the applicant in that the Supreme Court decided about whether the termination of service of the said Robert D' souza was valid or not even in their judgment the Hon'ble judge have observed as follows :

It is thus abundantly clear that is a person, belonging to the category of casual labour employed in construction work other than work charged projects render 6 months continuous service without break, by the operation of statutory rule, the person would be treated as temporary Railway servant after the expiry of 6 months continuous employment. It is again reiterated that the applicant has engaged in work charged project and therefore this case is incomparable to that of those of applicant. The respondent are of the firm view that the applicant's comparison is invalid and there the application is liable to be dismissed.

Further it is clear that the applicant has made infructuous and stale application without jurisdiction which has put the Railways in hardhsip. The Railway for obeying the orders of the court has to bear the cost of filing counters, legal fees, and other management expenses. It is clear that the applicant wilfully filed this petition knowing fully well that his claim is stale and invalid without jurisdiction and as the Railways have been put to tremendous hardship by such stale inconsequential and invalid claims it is requested that the court should take notice of such attempt being made by ex-casual labourers of Railways and direct the applicant to pay the cost to Railways. Such an order will put a full stop to such stale, in consequential and invalid claims and relieve the Railways from attending to infructuous work and concentrate on its main duly to the public namely giving an efficient transport to the public.

6. The management also filed additional written statement raising the following contentions :—Shri C.R. Unni, LTI No. 517 Project Casual Labour engaged on 3-1-84 and he was retrenched from service on 2-7-84 alongwith the other 379 such daily rated casual labourers for want of work. The above Project casual labour was in employment of this construction organisation 182 days only.

Erroneously mentioned 190 days and LTI No. 570 also and now corrected.

As per I.D. Act section 25(B) (2) the workman (regular or casual) should be deemed to have completed continuous service for one year under an employee if he has worked for 240 days in a period of 12 calendar months proceeding the date of with reference to whose calculation is to be made. The above project casual labour has completed only 182 days. Hence he is not eligible for retrenchment compensation and Notice of termination. Further the action of Management terminating his services of the workman is justified, sustainable and the existing provision of Industrial Dispute Act.

It is respectfully stated that, the Supreme Court of India, Civil Appeals No. 4613 of 1992 clearly says that by Temporary Status acquired only on completion of 360 days by casual labour in project works. Hence he is not eligible for temporary status after completion of 6 months in continuous service and therefore request that the application may kindly be dismissed (Copy enclosed).

It is respectfully stated that his name was in the Live Register in Palghat Division with Sl. No. 1026. When vacancy arises his name has to be considered for re-engagement of on the basis of the seniority.

For the reason stated above, it is respectfully stated that he is not eligible for any temporary status/retrenchment compensation and Notice of termination. The action of this management to retrench the service of Sri. C.R. Unni, Project casual labour with effect from 2-7-84 is legal as per the provision of I.D. Act, 1947. He is not eligible for any relief as per I.D. Act. Under the above circumstance it is humbly pray that Hon'ble Court may be pleased to dismiss the claim petition with cost of this respondent.

7. The evidence in this case consists of the testimony of MW1 and Ext. W1 to W3 on the side of the union and the testimony of MW1 on the side of the management.

8. The following points arise for consideration :—

I. Whether the action of the management terminating the service of the workman Sri Unni C.R. is justifiable ?

(ii) If not, what relief the workman is entitled to ?

9. **Point Nos. 1 & 2 :**—The workman Sri. C.R. Unni joined in the management Railway on 3-1-1984 as casual labourer under the permanent Way Inspector, Cochin/ Palakkad. He worked upto 2-7-1984. On 2-7-1984 his service were terminated without assigning any reason. No compensation or notice pay was offered to him at the time of termination. The contention of the management is that the workman was a Project-Casual Labourer and he worked for only 182 days and he has not been completed 360 days work and so he is not entitled to get temporary status. The details of the Project for which the worker was engaged is conspicuously absent in the written statement of the management. The case of the union is that the workman

was working in the open line wing of the Railway WW1 has deposed as follows :—

Regional Language

This would show that the workman was not a project casual labourer but he was working in the open line. Therefore on completion of 120 days continuous service the workman is entitled to get temporary status. Admittedly no notice pay or retrenchment compensation was given to the workman by the railway management. The management did not comply with the provisions of Section 25 F of the Industrial Disputes Act. Therefore the retrenchment is illegal and the termination of the workman from the service of the management railway is liable to be set aside. During the pendency of the case the union produced office order of the management Railway which is marked as Ext. W3 in this case. As per Ext. W3 office order No. J/W/I/18/2004 dated 30-7-2004 of the Divisional Office, Personnel Branch, Palghat, the management appointed the workman Unni. C.R. as temporary trackman on Rs. 2610/- in the scale of Rs. 2610—3540 and posted to the KGO station w.e.f. 23-7-2004 in the terms and conditions mentioned in Ext. W3 order.

In the result, an award is passed holding that the termination of the workman Sri. Unni. C.R. is set aside, but as the management has given appointment to the workman as per order No. J/W/I/18/2004 of the Divisional Office, Personnel Branch, Palghat no industrial dispute is pending at present for adjudication.

This award will take effect one month after its publication in the Official Gazette.

(Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 28th day of February, 2005.)

Ernakulam

K. K. UTHARAN, Presiding Officer

APPENDIX

Witness Examined on the side of the Management :—

MW1 —Sri. P.M. Chandra Sekharan.

Witness Examined on the side of the Workman :—

WW1 —Sri. C.R. Unni

Exhibits marked on the side of the Workman :—

W1 —Photo copy of casual labour service card of the workman.

WW2 — Photo copy of order C.P.C. No. 33/87 dated 29-1-1988 of the Labour Court, Kozhikode.

नई दिल्ली, 28 जून, 2005

का. आ. 2616.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सार्दन रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार श्रम न्यायालय एर्नाकुलम के पंचाट (संदर्भ संख्या आई. डी. 13/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27-6-2005 को प्राप्त हुआ था।

[सं. एल-41011/1/1994-आई आर (बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 28th June, 2005

S.O. 2616.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 13/1996) of the Central Government Labour Court, Ernakulam now as shown in the Annexure in the industiral dispute between the employers in relation to the management of Southern Railway and their workman, which was received by the Central Government on 27-06-2005.

[No. L-41011/1/94-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT LABOUR COURT, ERNAKULAM

(In the Labour Court, Ernakulam)

(Tuesday, the 15th day of February, 2005)

PRESENT : K. K. UTHARAN, B. Sc., LL.B., Presiding Officer

INDUSTRIAL DISPUTE NO. 13 of 1996 (Central)

BETWEEN :

The Executive Engineer (CN), Southern Railway, Ernakulam & Others

And

The workman of the above concern represented by the General Secretary Southern Railway Construction Workers Union, Kochi.

REPRESENTATIONS :

Shri P.M.M. Najeeb Khan, Advocate, United Law Chamber, S.R.M. Road, Kochi. .. For Management

Sri. B. Gopakumar, Advocate, Ernakulam. .. For Union

AWARD

This reference was made by the Central Government of India as per letter No. L-41011/1/94-IR (B-I) dated 1-5-96.

The dispute is between the Executive Engineer (CN) and their workman. The dispute referred is :

"Whether the demand of the Southern Rly. Construction Workers' Union for fixing the leave salary to Smt. V.D. Devaky in the scale of pay Rs. 220—250 is legal & justified ? If so, what benefit is the workman entitled to ? Whether the demahd of the union for pay in the scale of Rs. 260—450 in respect of 4 Mapla Khalasis namely S/Shri T. Appu Kuttan, K. Devan, P.K. Aboobacker and C.M. Ashraf is legal and justified ? If so, what relief the workmen concerned are entitled to ?"

2. The union filed claim statement raising the following : The above dispute was referred to this Hon'ble Court in compliance with the directions contained in the judgment rendered by the Hon'ble High Court of Kerala in O.P. 17779/95 filed by the Union for a direction to make a reference under Sec. 10 of the I.D. Act regarding those disputes referred to in Ext. P1 and declined in Ext. P6 marked therein.

In fact, other disputes than those declined in Ext. P6 and pending in I.D. 2/95 (Central) on reference by the Government at the instance of the Union on the basis of the report of the conciliation officer, is co-related and are to be jointly tried to enable the union to adduce evidence and highlight all aspects concerning the entire disputes raised before the conciliation officer and conciliated for long.

Now the reference is regarding the leave salary due to Smt. V.D. Devaky. According to the union leave salary ought to have been paid in the scale of pay of Rs. 200—250. But, she was wrongly paid in the scale of Rs. 196—232. In document No. 17 produced in I.D. 2/95 (C) Smt. V.D. Devaky figure as petitioner No. 13 in C.P. No. 26/83 filed before this Hon'ble Court; in which the positive finding is that all the petitioners therein including Smt. V.D. Devaky were entitled to pay and allowances in the scale of pay of Rs. 200—250 (para 8 of the order). The document already produced before this Hon'ble Court in the connected dispute, would clearly establish that an Award is liable to be rendered in favour of the said worker.

The other dispute referred is regarding the difference in wages payable to 4 Mopla Khalasis, namely Sri. T. Appukuttan and 3 others. According to the union, the Mopla Khalasis are liable to be paid as entitled in the scale of pay of Rs. 260—400. Whereas, they are being paid only in the scale of pay of Rs. 210—290. All the Mopla Khalasis are entitled to get the scale of pay of Rs. 260—400, even if they are asked to do any unskilled job, so far as their induction as such is as Semi-skilled workers. Sufficient directions are there for the payment of salary in the scale of pay of Rs. 260—400 to the Mopla Khalasis.

3. The management filed written statement raising the following : All the statements and allegations contained in the claim statement, except those which are specifically admitted hereunder are denied.

The statements and allegations contained in paragraph 1 and 2 of the claim statement are misleading and incorrect. The Railway Administration or any of the officials under the Railway Administration (representing Railway) have not been impleaded as parties in O.P. 17779/95. The judgement of the Hon'ble High Court in the said O.P. is not one., passed on merits. Under such circumstances it is misleading and incorrect to say that the reference of the dispute in question, is one made on the direction of the Hon'ble High Court. The fact is that the claimant union has deliberately omitted to implead the concerned and affected parties as respondent in the O.P., and secured an order without proper disclosure of the nature of the scope of the disputes and issues involved. In fact the trial in I.D. 2/95 referred to by the claimant has already started.

The statements and allegations contained in paragraph 3 of the claim statement, are misleading and incorrect and are denied. The issue regarding as to whether Smt. V.D. Devaky etc. are entitled to wages in the scale of pay of Rs. 200—250 or Rs. 196—232, has been raised in I.D. 2/95, and it is pending consideration there. This being the position the raising of the very same union, is superfluous and is liable to be dismissed *in limini.* There is also the further fact that the claim is without any basis or justification.

The statements and allegations contained in paragraph 4 of the claim statement are also misleading and incorrect and are denied. The term Mopla Khalasi, is a term used for specifying casual labourers doing hard and specialised works in connection with bridge works etc. Such casual labourers, engaged in such specialised works, may be paid wages in the scale of pay of Rs. 260—400. However the mere fact that they have been paid such higher wages when they are engaged in such arduous and specialised works, does not mean that they should always be paid such higher wages, irrespective of the nature of work they are doing. Thus they cannot insist that they should always be paid wages as skilled casual labourers in scale Rs. 260-400, even when they are not doing any skilled work and no skilled work is available. It is only to avoid their retrenchment and ending them out of employment, that they are permitted to do work along with other casual labourers, even when the arduous words such as bridge works etc. are not available. The facts being as above the claim for payment of wages at the rate of Rs. 260—400 to the workman referred to in paragraph 4 is without any basis or justification. There are no rules or orders entitling them for that.

Again the subject matter of the claims, referred to in the claim statement are service matters, to be agitated before the C.A.T., and the decision of the C.A.T. regarding the matter is to be final and binding on the parties.

Further the union which has raised the I.D. is not a recognised union, as envisaged in the provisions of Railway Establishment Manual. There are specific provision in the manual regarding Establishment of Unions, negotiating machinery, etc. Therefore claimant union has no locus standi or right to raise such a dispute and proceed with it.

4. The union filed rejoinders as follows : It is unfortunate that the Executive Engineer, construction, Ernakulam is finding fault with the Hon'ble High Court of Kerala in rendering judgment in O.P. 17779/95 filed by the union, instead of taking up the matter in appeal if it was aggreived by the same. What ever that be, when the conciliation officer had conciliated the dispute inviting all parties concerned and forwarded the report of the failure of conciliation to the appropriate Govt. it is not necessary that every Dick and Harry present at the time of conciliation are made parties in the original petition filed under Art. 226 of the constitution seeking a mandamus to the appropriate Govt. to pass orders on the same. It is respectfully submitted that the Management can not have a say when the appropriate government is dealing with a Report of failure of conciliation. Anyhow it is respectfully submitted that the statement of the Ex-Engineer appearing in para 3 of the written objection that union has 'secrued' an order must be condemned by this Hon'ble Court so far as the union as well as other parties are only 'receiving' orders and not securing the same.

Union has no objection in clubbing I.D. 2/95 with the above dispute, or even having a separate trial However, it remains a fact that the 2 demands referred to the Hon'ble Court in the above case had been raised along with other demands raised in the very same charter of demands, which was conciliated in one and the very same conciliation proceedings. Both demands in the above case are perfectly valid, sustainable and raised with justification.

The Ex-Engineer while doing the work of giving instruction for reparing the written objection in case like the above case, or doing the office work, or doing the administration work of this office, he is not doing the specialised or skilled work, of an Engineer. However it may not be proper for the union to say that he should be paid wages of a clerk or Junior Superintendent at such occasions, and he need be paid the wages of Engineer only when he does the specialised work. Union has stated so only to answer his contention that Maplah Khalasis need be paid salary in the scale of 260—400 only when they are doing the specialised work, and they need be paid lassor salary of unskilled worker when they are asked to perform other duties than the specialised work. It is respectfully submitted that the Temporary status of Railway servants granted to such Maplah Khalasis would confer on them a right to receive the wages in the scale of pay of 260—400.

It is incorrect to say that the Central Administrative Tribunal alone has jurisdiction to decide disputes of such nature referred to this Hon'ble Court in the above case. On the other hand Central Administrative Tribunal has no jurisdiction over the Industrial Disputes.

Ignorance cannot be a bliss for such officers like one who has filed written objection in the above case. In order to move the machinery available under the Industrial disputes Act, recognition of the Management is not at all necessary, what is required is a registeration of the union as per the provisions of the Trade Union Act, 1926. Recognition of a union may be obtained by way of concession, or due to political affinity. But, registration of a union is made by the Registrar of the Trade unions the conciliation officer has taken into account the Registration of the union which raised the dispute for taking up the matter in conciliation and the representatives of the Management had participated in the conciliation proceedings, the contention in para 7 of the written objection is nothing but one expressing the ignorance of law.

Save as aforesaid all the allegations and averments in the written objection are hereby denied as baseless, misleading and incorrect.

5. The evidence in this case consists of the testimony of WW1 and Ext. W1 to W5 on the side of the union. The management has not adduced any evidence.

6. The following points arise for consideration :

1. whether this industrial dispute is maintainable in law?
2. whether the demand of the union for fixing the leave salary to Smt. V. D. Devaki in the scale of pay of Rs. 200-250 is legal and justifiable?
3. whether the demand of the union for payment in the scale of Rs. 260-450 in respect of 4 Maplah Khalasis namely S/Sri. T. Appukuttan, K. Devan, P. K. Aboobacker and C. M. Ashraf is legal and justifiable?
4. what relief the workman are entitled to?

7. <u>Point No. 1</u> :— The Central Government of India has made the reference as per the reference in order in O. P. 17779/95 of the Honourable High Court of Kerala. The contention of the management is that the decision of the Honurable High Court for the O. P. has not one passed on merits and that the union has deliberately omitted to impleaded the concerned and affected parties. Ext. W1 is the copy of the judgment in O.P. 17779/95. The O.P. was filed by the union against the union of India represented by the secretary to the Government of India, Ministry of Labour, New Delhi and the Assistant Labour Commissioner (Central) Ernakulam with a prayer to issue a writ of mandamus or which ever or to make under section 10 of the I.D. Act in respect of the dispute raised by the union. The Hon'ble High Court passed the judgment in O.P. on the submission of the Central Government pleader and directed the respondents in the O.P. to refer the dispute relating to

the proceedings No. L-41011/1/94-IR (B.1) dated 23-12-94 issued by the Central Government of India, Ministry of Labour. If the management is aggrieved by the Judgment of the High Court. The management ought to have agitate the matter to the appropriate superior forum and not before this court. The reference is to be made by the Government and the Government has made the reference. The duty of this court is adjudicate the issue referred to this court. So the above contention of the management is not sustainable. The management has also contended that the issue regarding as to whether V. D. Devaki etc. are entitled to wages in the scale pay of Rs. 200-250 or Rs. 196-232 has already been raised I.D. 2/1995 and therefore this I.D. is not maintainable. This issue has not been raised in I.D. 2/95 (C). Pension claim of Smt. V. D. Devaki alone has been claimed in I.D. 2/95 as she has retired from service. Perusal on the records in I.D. 2/95 (C) would show that only pension claim of the worker V. D. Devaki has been claimed in the I.D. 2/95 (C). Therefore the above contention of the management is also not sustainable.

8. Another contention of the management is that the union in this case is not a recognised union and so the claimant union has not locus standi or right for raised such. Under the I.D. Act recognition of the union by the management is not necessary. What is necessary is a registration of the union as per the provision of the trade union Act, 1926. So the above contention of the management is also not sustainable. Therefore, I find that the I.D. is maintainable in law.

9. Point Nos. 2 to 4 :— In this reference the union has claimed leave salary due to V. D. Devaki in the scale 200-250. She was wrongly paid in the scale of 196-232. In C.P. 26/83 this court has found that all the petitioners therein including Smt. V. D. Devaki were entitled to pay and allowance in the scale of Rs. 200-250 wages + D.A together amount to Rs. 337 with effect from 1-6-1974. Ext. W2 is the copy of the order in C.P. 26 of 1983 (C) Ext. W2 would show that V. D. Devaki is the petitioner No. 13 in the C.P. 27/1983 (C). As per Ext. W2 the petitioners therein are entitled to get the scale rate of Rs. 200-250 + D.A. together among to Rs. 337 per month (Rs. 11.23 per day) The management paid wages to V. D. Devaki only at the rate of Rs. 196-232. So Smt. V. D. Devaki is entitled to get the balance amounts from the date of C.P.C. scale still her retirement.

10. The union has also claimed that Mapalah Khalasis T. Appukuttan, K. Devan, P. K. Aboobacker and C. M. Ashraf are entitled to get pay Rs. 250-400. Ext. W3 is the Railway Officer order and statement. Ext. W3 would show that the Maplah Khalasis are entitled to get pay scale of Rs. 250-400. The contention of the management is that the Maplah Khalasis are entitled to get the said pay scale only when they engaged the hard and specialised works. So according to the management the Maplah Khalasis cannot insist that they should always be paid wages for the skilled and unskilled work. The above contention of the management is not at all sustainable as the pay scale is fixed for the post of Maplah Khalasis the four Maplah Khalasis are entitled to get Rs. 250-400.

In the circumstance and for the above discussion I find that the worker V. D. Devaki is entitled to get pay on the scale of Rs. 200-250 and therefore she is entitled to get the balance amounts from the date of C.P.C. scale till her termination. I also find that the Maplah Khalasis Sri. Appukuttan, T. Devan, P. K. Aboobacker and C. M. Ashraf are entitled to get the pay on the scale of Rs. 260-400.

In the result, an award is passed holding that the Management is directed to pay the balance amount to the worker V. D. Devaki in the pay scale of Rs. 200-250 from the date of C.P.C. scale till her termination. The management is also directed to pay the wages in the pay scale at Rs. 250-400 of the 4 Maplah Khalasis namely S/Shri T. Appu kuttan, D. Devan, P. K. Aboobacker and C. M. Ashraf from the date they attained temporary status casual labourers Maplah Khalasis.

This award will take effect one month after its publication in the Official Gazette.

Dictated to the Confidential Assistant, transcribed and typed out by her, corrected by me and passed this the 15th day of February, 2005.

Ernakulam. K. K. UTHARAN, Presiding Officer

APPENDIX

Witness examined on the side of the Management :— Nil

Witness examined on the side of the union :—

WW1 — Robert D' Souza.

Ext marked on the side of the Management :— Nil

Exhibits marked on the side of the Union :—

Ext. W1 — Photo copy of Judgment in O.P. No. 17779/95 of Hon'ble High Court of Kerala.

Ext. W2 — Photo copy of order in C.P. 26/83 (C) of Labour Court, Ernakulam dated 5-7-1983.

Ext. W3 — Statement submitted before the Assistant Labour Commissioner (Central) Ernakulam by the union.

Ext. W4 — True copy list issued by the Southern Railway of 5 years completed casual labourers.

Ext. W5 — Memorandum No. P. 408/CN/PTJ dated 17-1-1986 issued by the Executive Engineer, Southern Railway, Podanur.

नई दिल्ली, 29 जून, 2005

का. आ. 2617.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंडिकेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, नई दिल्ली के पंचाट (संदर्भ संख्या 25/96) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2005 को प्राप्त हुआ था।

[सं. एल-12012/200/95-आई आर (बी -II)]

सी. गंगाधरण , अवर सचिव

New Delhi, the 29th June, 2005

S.O. 2617.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 25/96) of the Central Government Industrial Tribunal-cum-Labour Court No.-I, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workman, which was received by the Central Government on 29-6-2005.

[No. L-12012/200/95-IR (B-II)]

G. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NEW DELHI

SHRI S.S. BAL : Presiding Officer

I.D. No. 25/96

In the matter of dispute between :

Shri A.K. Marwah Clerk,
Through Joint Secretary,
Syndicate Bank Staff Union,
Syndicate Bank, Mehra Chambers,
Desh Bandhu Gupta Road,
Karol Bagh, New Delhi-5 ....Workman

Versus

The AssistantGeneral Manager,
Syndicate Bank, Zonal Office,
6, Bhagwan Dass Road,
New Delhi-110001 ......Management

APPEARANCES : None for the Workman
Shri Rajesh Mehendru A/R for the Management.

AWARD

The Central Government in the Ministry of Labour *vide* its Order No. L-12012/200/95-IR(B-2) dated 29-2-96 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Syndicate Bank, New Delhi in dismissing the services of Shri A. K. Marwah, Clerk w.e.f. 19-11-92 is legal and justified, If not, to what relief the concerned workman is entitled ?"

2. Brief facts of the case are that the workman A. K. Marwah was working as clerk in the Vayu Bhawan Extension Counter branch of the respondent Syndicate Bank and he on 28-4-89 made a facititious credit entry of Rs.2560/ in the acount of customer Shri V. V. Shastry without depositing the said amount in the bank in his account and the workman also admitted his guilt before the enquiry officer on 6-4-91 and in the memorandum of appeal filed before the Appellate Authority. This case was posted for arguments as well as for order today i.e.on 23-6-05. Workman has not appeared. It is 1.40/- PM. The perusal of record shows that the workman is not appearing in this case for the last many hearings. Neither workman nor anybody on his behalf appeared for the last about 13-14 hearings since 11-1-2000. It appears that workman is not interested in prosecution of this case. The charge of having made fictitious entry and misappropriation of amount in my opinion stands proved against the workman.

3. Workman has not come forward to address arguments on merits and to seek leniency on the point of punishment. However, he has failed to show that the punishment awarded to him is harsh or disproportionate. He has filed written submissions and I have perused the same, wherein he has raised a contention that in the Bipartite Settlement it was mandatory to hold enquiry against him (workman) despite his admission and the enquiry officer failed to hold the enquiry and treated his admission as proof of guilt which is contrary to the provisions and spirit of Bipartite agreement and settlement between the parties entered into the employee of the Bank and the management and that the matter has been dealt with in a vindictive manner and that there is no material on record to show that the punishment of dismissal in this case was/is justified and it is further stated that the proceedings were not held and that he was coerced and cajoled. Enquiry conducted but during the enquiry he (workman) made a genuine mistake of making entry etc. without depositing the amount in the bank is not intentional and a genuine, and there is an extra ordinary delay in issuing the charge sheet.

4. I have bestowed my thoughtful consideration to the above contentions raised in the written statement and Submissions and perused the record meticulously. As regards the holding of enquiry under Bipartite settlement it may be pointed out that the perusal of the record shows that the disciplinary authority ordered

enquiry against the workman and enquiry officer even commenced the enquiry proceedings. The workman during of course of enquiry did not dispute the charge but admitted his guilt that he made fictitious entry. On admission of his guilt during the enquiry, no further enquiry was required to be conducted in my view. This contention that enquiry was not held as per provisions of Bipartite Agreement is devoid of any force.

5. Perusal of record shows that there is no material on record that the workman was coerced or cajoled to appear admit the guilt as claimed. He has no where so stated during the enquiry or before the Appellate Authority. He has taken this ground for the first time before this Tribunal. The same is not substantiated from record. However, vide letter dated 28-2-91 the workman-charge sheeted employee was informed by the Enquiry Officer Shri K.G. Gadiyar that he was appointed Enquiry Officer and that he would hold proceedings on 5-4-91 at 11 A.M. at Zonal Office of the Bank at 6, Bhagwan Dass Dass Road and also on subsequent days if necessary, that during the enquiry, you will be given all opportunities to cross-examine the Management witness and to produce your own evidence. You may also take the assistance of Defence Representative, if necessary, as per the provisions of the Bipartite Settlement. You are advised to appear before me without fail.

6. From the perusal of this letter it is evident that the workman was informed that he would be/may take assistance of defence representative, if necessary as provisions of Bipartite Settlement but it appears that on the first hearing the workman appeared and admitted the charge against him pertaining to his guilt that he made a fictitious credit entry of Rs. 2560/- into S.B. Account No. 1545 of V.V.S. Shastry, Customer without date and gave effect of such credit to the said S.B. Account and there by falsifield the accounts/records at the Branch. Admission of his guilt by the charge sheeted employee amounts to admitting the charge and in my view no further enquiry is required to be conducted and charge against the C.S.E. stands proved.

7. I have heard Shri Rajesh Mahendru on the point of punishment. He has supported the punishment of dismissal from service awarded to the workman and referred to the decision reported in 2000 LLR 1271 in a case captioned as Janatha Bazar (South Kanara Central Co-opretive Whole Sale Stores Ltd.) etc. *Vs.* The Secretary, Sahkari Noukarare Sangha etc. wherein the Supreme Court has held that once act of misappropriation is proved, may be for a small or large amount, there is no question of showing uncalled for sympathy and reinstatement of employee in service-Labour Court cannot substitute penalty imposed by employer in such cases. The workman has not come forward to seek any leniency or to show that he deserves leniency or that the punishment awarded in harsh or is disproportionate. In view of this I have no option but to hold that the action of the management in dismissing the workman Shri A. K. Marwah, Clerk from service w.e.f. 19-11-92 is legal and justified. Filed be consigned to record room.

Dated : 23-06-2005 S. S. BAL, Presiding Officer

नई दिल्ली, 29 जून, 2005

का. आ. 2618.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार चेन्नई स्टीमर एजेन्टस एसो. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 292/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-6-2005 को प्राप्त हुआ था।

[सं. एल-33011/10/2003-आई आर(बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 29th, June, 2005

S.O. 2618.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 292/2004) of the Central Government Industrial Tribunal-cum-Labour Court Chennai as shown in the Annexure, in the Industrial Dispute between the management of the Chairman, Chennai Steamer Agents Association and their workmen, received by the Central Government on 28-6-2005.

[No. L-33011/10/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Friday, the 3rd December, 2004

PRESENT :

K. JAYARAMAN, Presiding Officer

Industrial Disput No. 292/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Chennai Steamer Agents Association and their workmen)

Between :

The General Secretary,
Transport and Dock Workers' Union, : 1 Party/Claimant
Chennai

And

1. The Chairman,
Chennai Steamer Agents Association, Chennai — II Party/ Management
2. The President,
The Madras Homeward Freight Conference Society, Chennai.

APPEARANCES :

For the Claimant : M/s. R. Rangaramanujam, Advocates

For the Respondent No. 1 : M/s. T. S. Gopalan & Co., Advocates

For the Respondent No. 2 : Sri R Viduthalai, Advocate

AWARD

The Central Government, Ministry of Labour vide Order No. L-33011/10/2003-IR(B-II) dated 5-1-2004 has referred this industrial dispute to this Tribunal for adjudication. The schedule mentioned in that order is—

"Whether the non-employment of the 19 workers of the Madras Homeward Freight Conference Society by the Chennai Steamer Agents Association is justified ? If not, what relief they are entitled to"?

2. After the receipt of the reference, it was taken on file as I.D. No. 292/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates.

3. When the matter was taken up for enquiry, on behalf of the I Party, the General Secretary of the union has filed a memo stating that the 19 workers, for whose cause the union raised the dispute have now resigned their primary membership from the union and therefore, he is not interested in pursuing the dispute. The Society's advocate represents that he will pursue the case of 19 workers and he wants some time for filing claim statement.

4. But, I find there is no bonafide on the part of the society because he is only acted as agent for the Respondent/Management and under such circumstances, he cannot represent the 19 workers in this I.D. Only because under wrong impression that the society has been arrayed as 2nd Petitioner he has no locus standi to espouse the cause of the 19 workers. Therefore, I find there is no substance in the contention of the society. Further, before the High Court in W.P. No. 3445/2004 he was arrayed as 3rd Respondent but he has not made any objection for the 2nd Respondent before the High Court. Under such circumstances, the memo dated 30-6-2004 filed by the 1st petitioner is recorded.

5. In view of the memo filed by the 1st petitioner, this industrial dispute is dismissed as not pressed, but without any costs.

(Dictated to the P.A., transcribed and typed by him, correct and pronounced by me in the open court on this day the 3rd December, 2004.)

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 29 जून, 2005

का. आ. 2619.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (संदर्भ संख्या 110/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-6-2005 को प्राप्त हुआ था।

[सं. एल-12012/127/2004-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 29th June, 2005

S.O. 2619.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 110/2004) of the Central Government Industrial Tribunal/ Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of Andhra Bank and their workmen, received by the Central Government on 28-6-2005.

[No. L-12012/127/2004-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

Shri E. ISMAIL, B.Sc, LL.B. Presiding Officer

Dated the 7th day of March, 2005

I.D. NO. 110/2004

Between

Shri Y. Venkata Rao,
S/o late Y. V. Rao,
D. No. 32-42/5-32A,
Veeranna Street,
Gulmohiddin Nagar
Machavaram,
Vijayawada ....Petitioner

AND

The Chief Manager,
Andhra Bank,
M.G. Road, Labbipet,
Vijayawada-10 .....Respondent

APPEARANCES :

For the Petitioner : M/s. M. Ravi Kumar & P. Pavan Kumar, Advocates

For the Respondents : M/s. S. Udayachala Rao, S. Vikramaditya Babu & S. Mujib Kumar, Advocates.

AWARD

The Government of India, Ministry of Labour by its order No. L-12012/127/2004--IR(B.II) dated the 15-9-2004 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Andhra Bank and their workman. This reference is,

SCHEDULE

"Whether the action of the management of Andhra Bank, in imposing the penalty of compulsory retirement on Shri Y. Venkata Rao for his unauthorized absence from duty is justified ? If not, what relief the workman is entitled to?"

The reference is numbered in this Tribunal as I.D. No. 110/2004 and notices were issued to the parties.

2. Inspite of several adjournments given from 4-1-2005 for filing of claim statement and documents, for seven adjournments including 7-3-2005 the petitioner has not turned-out with claim statement and documents. The petitioner is not evincing any interest for the last seven adjournments. The petitioner has failed to produce any evidence in support of his claim. There is nothing on record to support his claim. Hence, a 'Nil' Award is passed. Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 7th day of March, 2005.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondents

NIL

Documents marked for the petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 29 जून, 2005

का. आ. 2620.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 212/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-6-2005 को प्राप्त हुआ था।

[सं. एल-12025/3/2005-आईआर(बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 29th June, 2005

S.O. 2620.—In pursuance of Section 17 of the Industrial Disputs Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 212/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workman, which was received by the Central Government on 28-6-2005.

[No. L-12025/3/2005-IR (B-II)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

PRESENT :

SHRI E. ISMAIL, B.Sc, LL.B., Presiding Officer

Dated the 16th March, 2005

Industrial Disputes L.C.I.D. NO. 212/2004

Between

M. Lakshman Rao
....Petitioner

AND

1. The Andhra Bank
Rep. by its General Manager,
Saifabad, Hyderabad.

2. The Andhra Bank
Rep. by its Senior Manager (P&D)
Zonal Office, Tirupathi .....Respondents

Appearances :

For the Petitioner : M/s. B.G. Ravinder Reddy and B.V. Chandra Sekhar, Advocates.

For the Respondent : M/s. Udayachal Rao, Advocate

AWARD

This is a case taken under Sec. 2 A(2) of the I.D. Act. 1947 in view of the judgment of the Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between Sri U. Chinnappa and M/s. Cotton Corporation of India and two others.

This petition was filed under Section 2(A)(2) stating that the petitioner was appointed as temporary messenger on 3-3-86 with the respondent and terminated on 2-12-2002. Hence, he prayed that he may be reinstated with full back wages and all attendant benefits.

A detailed counter filed besides other things it was mentioned that the petitioner was also entitled for such temporary appointment on rotation.

Petitioner examined himself as WW1 and marked Exhibits from W1 to W14 and was cross examined by Respondent Counsel. Ex. M1 settlement was also marked.

A memo was filed by the counsel for the Petitioner and Petitioner was also present informing that the bank is ready with appointment order and he should withdraw the LCID and collect the appointment order. Hence, an award may be passed in terms of the Memo.

The petitioner is present and he admitted to the said fact mentioned in the memo.

Accordingly, an award is passed that the petitioner is entitled for appointment on temporary basis. Award passed Accordingly, Transmit.

Dictated to Smt. K. Phani Gowri, Personal Assistant transcribed by her, corrected and pronounced by me on this the 16th day of March, 2005.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

WW1

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

Ex. W1 : Seniority panel list dt. 9-1-95.

Ex. W2 : Service Certificate dt. 21-11-91.

Ex. W3 : Service Certificate dt. 30-9-95.

Ex. W4 : Service Certificate dt. 9-12-2000.

Ex. W5 : Service Certificate dt. 9-12-2000.

Ex. W6 : Interview call letter dt. 19-9-95.

Ex. W7 : Service Certificate dt. 9-12-2000.

Ex. W8 : Service Certificate dt. 9-12-2000.

Ex. W9 : Lr. sent by Zonal Office to Petitioner dt. 15-11-2002.

Ex. W10 : Lr. sent by Zonal Office to Petitioner dt. 30-11-2002.

Ex. W11 : Reply to representation from Chief Manager to Petitioner dt. 26-12-03.

Ex. W12: Seniority panel list of temp. employees.

Ex. W13 : Transfer Certificate of Petitioner.

Ex. W14 : Employment Card.

Documents marked for the Respondent

Ex. M1 : Settlement dt. 9-1-95 between Management and Workmen Union.

नई दिल्ली, 29 जून, 2005

का. आ. 2621.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, गुवाहाटी के पंचाट (संदर्भ संख्या 6/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-6-2005 को प्राप्त हुआ था।

[सं. एल-12011/137/2002-आई आर (बी-II)]

सी गंगाधरण, अवर सचिव

New Delhi, the 29th June, 2005

S.O. 2621.—In pursuance of Section 17 of the Industrial Disputes, Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 6/2004) of the Central Government Industrial Tribunal -cum-Labour Court, Guwahati as shown in the Annexure in the Industrial Dispute between the the management of Union Bank of India and their workman, received by the Central Government on 28-6-2005.

[No. L-12011/37/2002-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, GUWAHATI, ASSAM

Present : Shri H. A. Hazarika, Presiding Officer, CGIT-cum-Labour Court, Guwahati.

Ref. Case No. 6 of 2004.

In the matter of an Industrial dispute between :—

The Management of Union Bank of India, Chandmari.

Vs.

Their Workmen rep. by the

General Secretary, Union Employees Union,

K. C. Road, Fancy Bazar.

Date of Award : 22-6-2005.

AWARD

1. The Government of India, Ministry of Labour New Delhi, vide its Notification No. L-12011/137/2002-IR (B-II) dated 26-9-2002 referred this Industrial Dispute arose between the employers in relation to the management of Union Bank of India and their Workmen for adjudication and to pass an award by exercising power conferred under Clause-D of sub-section (i) and sub-section (II-A) of Section 10 of the I.D. Act, 1947 within the period of 3 years on the basis of the following Schedule.

SCHEDULE

"Whether the action of the management of Union Bank of India to deny filling up of three carried forward vacancies by promotion from Subordinate Cadre to Clerical Cadre in terms of Clause 1 of the Memorandum of Settlement dated 1-3-1996 is legal, proper and justified? Whether the management's action to identify the vacancies for the above promotion process on all India basis as against the provision contained in the Settlement dated 1-3-1996 for identification of such vacancies Statewise is proper and justified? If not, what relief is the disputant union entitled to?"

2. It is pertinent to note here that at first the matter was received and taken up by the State Industrial Tribunal, Guwahati. After establishment of this CGIT-cum-Labour Court at Guwahati, related proceeding (record) is received by this CGIT-cum-Labour Court on 9-12-2004.

3. Accordingly on appearance of both the parties here the proceeding is proceeded as per procedure.

4. The case of the Workmen in brief is that a Memorandum of Agreement was drawn up on 1-3-1996 between the management and All India Union Bank Employees Association on the matter of promotion from Sub-Staff to Clerical Cadre and also settled up under relevant Provision of the Industrial Dispute Act, 1947. As per Clause-I of the Settlement, 20% of the vacancies in the Clerical Cadre in each State shall be filled up every year by promotion from subordinate Cadre. Accordingly by Circular dated 7-3-96 vacancies were shown for State of Assam as given below :

Identified Vacancies	: 3 Nos.
Unfilled Vacancies	: 8 Nos.
Total Vacancies	: 11. Nos.

5. Subsequently only one post is shown in 2001. The entire 3 posts are not filled up. Even it is not carry forward, 3 unfilled vacancies from sub-cadres spilling for year 1997. The Union of Workmen raised protest against the not showing the 3 unfilled vacancies in Circular dated 10-12-2001. The conciliation process held between the parties however failed and relevant report of failure of conciliation was submitted to Central Government on 1-7-2002.

6. The left over vacancies should have been carry forward to be filled along with clear vacancies in 1998 but in respect of 1998 no test was conducted nor for the years 1999-2000. The examination was held for 2001 on 17-2-2002. The 3 unfilled posts remain unfilled till now. The all total vacancies were 11 which ought to have been filled under the promotion process of 2001 but the management left over the unfilled vacancies unreasonably and arbitrarily.

7. Instead of filling up of vacancies on State-wise basis violating the Clause-I of Memorandum dated 1-3-96 the management adopted a principle of filling up of vacancies on all India basis.

8. The management has clearly violated the Clause -I of the Settlement. The management holding back the unfilled posts utterly on unreasonable grounds as provided wastage sanction at all India vacancies figures. Each ground is not computable with the other. When the vacancies exist in terms of the Clause-I and related staff circular dated 7-3-96 the management ought to have been filled up in compliance of Clause-I of the Memorandum dtd. 1-2-96 as management agreed to it.

9. The case of the management in brief that the management admitted the execution of Memorandum dated 1-3-96 so also the Clause-I in the statement for filling up all the vacancies. But as the management is an all India concerned having branch all over States of India therefore the employment policy that may be adopted or agreed upon only at all India basis that means for a particular year when total vacancies are filled up for all the states should be considered to divide the same among the States where there is Branches.

10. That this sort of conducting of all India view to divide among the states are not in derogation or in contradictions to the Settlement arrived at. The Settlement itself does not bar of such distribution amongst the States.

11. That the claim of the Union to back forward is not maintainable because the MOS did not provide the system of carry forward and therefore the claim of carrying forward by theUnion is not in accordance with the Settlement. The filling up of the vacancies accruing in a particular branch is not only the prerogative by the management but the same is also necessary. In the present matter for the year 2001-2002 there were 99 vacancies and these 99 vacancies were identified for all over India and which are distributed on

the basis of the Statewise in the ration wastage. The management has endeavour that at least 01 vacancy is provided where wastage are less though the creation and abolition of posts and identification of vacancies are management's function as stipulated in policy registered as Settlement and circulated vide Staff Circular No. 4268 dated 7-3-96 yet the management has endeavour to provide the maximum possible vacancy within the ambit of the policy. Hence, the management claimed that they have not violated any condition incorporated in the Settlement and that the Union is not entitled for relief they claimed.

12. Heard arguments submitted by learned Advocates Mr. P.N. Choudhury and Mr. B. N. Sarma respectively for Management and the Union with recitation on important points raised in written arguments in this respect.

Perused the evidence recorded by own hand. The management examined Sri J.K. Neog as their solitary witness, so also, Union examined Sri J. K. Chakrabarty as their solitary witness. They are cross examined. Perused the Exhibits submitted by the management as well as the Union concerned.

13. The crux of contention between the parties for not filling up 3 identified posts in the State of Assam. The claim of the Union is that there were 11 vacancies including 3 identified vacancies.

14. According to Union management shown these vacancies to be filled up in 1997. Out of these 6 vacancies only 3 vacancies were filled up and rests 3 vacancies are not filled upo on the ground that in the written test held, 3 workmen were came out successful and 3 workmen failed to get promotion. Thus in 1997 3 employees were left out without the benefit of promotion. In 1998-2000 no promotion process was conducted. In 2001 promotion process was conducted to fill up only one post.

15. As per Clause-I of the relevant Memorandum dtd. 1-3-96 and Settlement and related Staff Circular 20% of the vacancies in clerical cadre in each State would have been filled every year by promotion from subordinate to clerical cadre. Ext. 2 is the list of vacancies published on 7-3-96.

16. While 3 vacancies of 1997 were not filled up the Union represented their grievances vide Ext. A to E series (photo copies) and while the management did not consider their grievances they issued Ext. E (Photo copy) Strike Notice. Consequently, conciliation held before A.L.C. (C) was failed. The management raised the matter of wastage ratio. The Union claim that the vacancies of 1997 would have been carry forward with clear vacancy in 1998.

17. The management agitated that there is no injustice to Union as there is no system of carry forward in the Memorandum dtd. 1-3-96 and Settlement dated 6-3-96. Further the management claimed that as the Bank management is to work on all India basis. Hence in the share of relevant State is only one. The 99 vacancies are filled on all India basis.

18. On careful scrutiny of the relevant documents and evidence in the record I find ostensively clear that the relevant Memorandum of Settlement with Staff Circular dated 7-3-96 is duly arrived and accepted by both the parties. The management also admitted the execution as well as the existence of the relevant Memorandum of Settlement and Staff Circular.

19. The management claims that there is no system of carry forward. But I find there is no bar of carry forward rather spirit of carry forward is existed in Para-3 of the written argument submitted by the management that there is a precedent of carry forward but management stopped that precedent of carry forward. But in my opinion the management version can not be accepted in the present circumstances of the case that precedent can not be followed. I marked the management has not considered about the vacancies due to retire, death, VRS, and in this connection their solitary witness is evasived in cross-examination part.

20. Considering all the documents in the record I find Ext. 1, the MOS dated 1-3-96 and Staff Circular dated 7-3-96 are most authentic. It is very properly executed and most strong among all documents in the record. The sanctity of the Ext. 1 is to be maintained because it is not declared inoperative and so also not over ruled. The management has committed that 3 vacancies are to be filled in the State of Assam in 1997. They can not go back from their own commitment by adopting the policy of wastage of vacancies or of all India basis. Because if this is done then there will be injustice to the workman. The management must respect clause-I of Ext. 1 (MOS dated 1-3-96 and its related staff Circular). Hence, in my opinion management is not justified for non compliance of Clause-I in relation to MOS and Staff Circular.

21. Hence, what I find the management of Union Bank of India is not justified to deny the filling of 3 carry forward vacancy by promotion from subordinate cadre to clerical cadre in terms of Clause-I of MOS dated 1-3-96 and related Staff Circular. The action of the management to identify the vacancies for promotion process of all All India basis as against the Settlement dated 1-3-96 is also not justified. Accordingly the related schedule or issues are decided in favour of the Workmen (Union). The workmen (Union) are entitled to get promotion as per Clause-I of the Memorandum dated 1-3-96 and its related Staff Circular.

Prepare the award and send it immediately as per procedure.

H.A. HAZARIKA, Presiding Officer.

नई दिल्ली, 29 जून, 2005

का. आ. 2622.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. टी. एन. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या 74/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2005 को प्राप्त हुआ था।

[सं. एल-40012/46/96-आई आर(डी यू)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 29th June, 2005

S.O. 2622.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 74/98) of the Central Government Industrial Tribunal/Labour Court No. II. New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MTNL and their workman, which was received by the Central Government on 29-06-2005.

[No. L-40012/46/96-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER ; CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Presiding Officer : R. N. RAI

I. D. No. 74/98

IN THE MATTER OF :—

Shri Rajender,
C/o. Sh. T. R. Kashyap,
Chamber No. 741,
Western Wing,
Tis Hazari Court,
Delhi-110054.

Versus

M/s. Mahanagar Telephone Nigam Ltd. (MTNL),
Through the General Manager(s)-I,
MTNL,
Bhikaji Cama Place,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-40012/46/96-IR (DU) Central Government dtd. 02-03-1998 has referred the following point for adjudication.

The point runs as hereunder :—

"Whether the action of the management of MTNL in terminating the services of Shri Rajender, Safai Karamchari, w.e.f. 08-03-1995 is justified and legal? If not, what relief the workman is entitled to."

The workman applicant has filed statement of claim. In the statement of claim it has been stated that the workman was employed as a Safai Karamchari on daily wage basis along with six other workers at the new MTNL building Complex, 8, Bhikaji Cama Place and worked as such from 2nd May, 1994 to 08-03-1995 on which date his services were illegally and arbitrarily terminated by the management by a verbal order. In fact new daily wage employees were engaged/given place of the workman. This was obviously done to illegally disrupt the continuity of service of the workman.

That the workman had worked with the management for the above said period without any break and had completed 240 days of work in employment of the management before his services were illegally done away with for ulterior motives. The workman would have continued to be employed because the work of sweeping, cleaning, dusting the office complex etc. against which he was employed was not of a casual one but of continuing and regular nature co-extensive with the occupation and use of the building complex by the employer/management. This truth is further fortifixed by the fact that new daily wage workers were immediately employed after the termination of the services of the present workmen now before this Hon'ble Court.

That no reason whatsoever was assigned to the workman for the termination of his services. On the other hand, Shri B. K. Sharma, Deputy Supdt. had been demanding money from each one of the daily wage workmen for their continuance of the job and assured them to be absorbed on regular basis if they pleased him. But as the workman and his other colleagues were no ready to yield to this illegal demand, they were throw out of employment. From the very next date new daily wage workers were inducted without raising a demand with the employment exchange or following any legal or proper channel which the management was bound to do as a public body. There was no justification whatsoever for replacing old daily wage workers with new daily rated workers. It amounts to an unfair labour practice and is an offence punishable in law. All this was done with ulterior motives.

That the workmen had been discharging his duties with great honesty and dedication to his work. There was nothing against his work or conduct. That the workman aforesaid along with his other colleagues entreated the concerned officials to allow them to join their duties on 09-03-1995 but to no use. He found that new workers had been engaged and the petitioner and his other colleagues were not allowed even to enter the premises.

That the workman and his other colleagues had no alternative but to serve a notice of Demand on the Management. The notice of demand was duly served on 16-03-1995 calling upon the management to take the workman back on duty. As the management was in no mood to pay any heads to the prayer of the workman. Conciliation proceedings had to be initiated. The conciliation proceedings failed on account of the adamant attitude of the management.

That no notice or pay in lieu of notice as stipulated in the ID Act was given to the workman which is a condition precedent for valid retrenchment. The workman was also not tendered retrenchement compensation but also his earned wages from 01-03-1995 to 08-03-1995 were illegally withheld/not paid to him. That the act of the management is totally illegal, unjust and arbitrary. The same is void ab-initio being in gross violation inter-alia the mandatory statutory provisions contained in Section 25 (F) and 25 (H) of the ID Act, 1947. Having been illegally thrown out of employment the poor workman continues to be unemployed and has not been able to find any job for himself.

The management has filed written statement. In the written statement it is stated that the above matter is pending adjudication before this Hon'ble Tribunal pursuant to the order of reference made by the appropriate Government reading as under :—

> "Whether the action of the management of MTNL in terminating the services of Shri Dinesh, Safai Karamchari with effect from 08-03-1995 is legal and justified? If not, what relief the workman is entitled to."

The aforesaid impungned reference is bad in law as per the preliminary objections raised herein below.

That admittedly, the claimant above named was engaged by the respondent/management as a wager on daily basis and he was being paid as such as a casual labourer. Accordingly, his contract of assignment came to an end with the afflux of each day. Therefore, he had no legal right to ask for absorption and/or continuation of his aforesaid assignment as held by the Hon'ble Supreme Court in the case entitled **the Director, Institute of Management Development, UP, *Vs.* Smt. Pushpa Srivastava reported in AIR 1992 SC 2070.** In this connection, the following observations made by the Hon'ble Supreme Court being pertinent are extracted below :—

"Where the appointment is purely on adhoc basis and is contractual and by afflux of time, the appointment comes to an end, the person holding such post can have no right to continue in the post. This is so even if the person is continued from time to time on adhoc basis for more than a year. He cannot claim regularization in service on basis that he was appointed on adhoc basis for more than a year."

Reference may also be made to the decision of the Hon'ble Supreme Court in the case entitled **Piare Singh *Vs.* State of Haryana, reported in AIR 1992 SC 2130.** The above principle is being followed by the Hon'ble Supreme Court without any exception. It is, therefore, respectfully submitted that in view of the admitted position appropriate Government should have declined to refer the matter to this Hon'ble Tribunal. In the circumstances, to say the least, the reference is bad in law and without application of mind as well.

That it is a well known fact to the knowledge of the claimant as well that the respondent/management is a licensee of the Government of India, as a matter of policy, has decided that no regular recruitment should be made. The respondent/management as a matter of policy could not engage the persons like the claimant herein. The impugned reference being violative of public policy is bad in law on this ground as well.

That as apprised to the Appropriate Government by the management through the Assistant Labour Commissioner (C), New Delhi *vide* reply dated 31-05-1995, a copy attached, the respondent/management as a matter of policy had decided to give the assignment of Safai/Cleanliness and maintenance of offices to the Contractor as detailed hereinafter to the knowledge of the claimant. The claimant whose assignment as a daily casual labourer admittedly has come to an end on afflux of 08-03-1995 (he having worked as such from 16-08-1994 to 08-03-1995 and not from 02-05-1994 to 08-05-1995 as contended by him). He should have approached the contractor in view of the new policy of the management for the assignment but he failed to do so and as such he has to blame himself and not the management.

That without prejudice to each and every contention of the respondent/management, the respectful submission of the answering management is that at the worst the cause of action to the claimant had arisen on 08-03-1995 whereas the impugned reference has now been made say after more three years. The impugned reference suffers from the vice of belatedness and ignores the fundamental aspect of the respondent/management, as a matter of policy, having resorted to the contract system. The reference, as such, is bad in law, highly belated and against the legislative-cum-public policy and warrants to be declined without any relief to the claimant, in the circumstances of the case.

That the impugned reference is bad in law as it amounts to overstepping the jurisdiction not vested by law more particularly under Section-10 of the Contract Labour (Regulation & Abolition) Act, 1970, the Central Government has not specifically prohibited the respondent/management a Company under the Company Act

incorporated and established in the year 1986 from engaging labour on contract basis, as in the instant case, duly elaborated by he respondent/management in its reply before the Ld. ALC (C), New Delhi supported by the relevant contract as annexure thereto. It is respectfully submitted that where there is no notification issued under this section employment of contract act is not barred 1991(2) Delhi Lawyer 189 (207).

It is, however, wrong on the part of the claimant to allege that he was engaged, as aforesaid, and worked from 02-05-1994 to 08-05-1995 the true fact to the knowledge of the claimant is that his assignment with the respondent/management was during the period 16-08-1994 to 08-03-1995 and he being admittedly a casual/daily wager on *ad hoc* basis, his assignment would come to end with the afflux of each day as per the well settled laid down by the Hon'ble Supreme Court having the force of law under Article 14 of the Constitution of India. Thus the action of the management in causing cessation of his assignment finally on 08-03-1995 and assigning the work to a Contractor M/s. Bajaj Engineers, New Delhi, as per the arrangement/agreement pursuant to the tender notice dated 13-01-1995, marked as Annexure M-1 and the acceptance thereof in March 1995 marked as Annexure M-2 culminating into the concluded agreement dated 01-05-1995 marked as Annexure M-3 effective from 01-04-1995 was valid, legal and proper and in conformity with the legislative-cum-public policy. The claimant cannot be permitted to have any grudge on that account. The rest of the contents of this para are not admitted.

The claimant being a daily wager has no legal right to be continued in the assignment of sweeping/cleaning etc. as repeatedly held by the Hon'ble Supreme Court. The contention of the claimant that new daily wage workers are employed after cessation of employment being wrong to the knowledge of the claimant, is not admitted. The true fact is that the assignment of cleanliness etc. was assigned to a contractor as a matter of administrative policy. As such and every contention raised by the claimant in this para is not admitted as the true facts have been stated heretofore.

The claimant being a daily wager, his assignment would come to an end on the afflux of each time and he has no legal right to ask for continuation of his assignment. The action of the management in giving the assignment of cleaning etc. to the contractor having been based upon the administrative policy in conformity with the legislative-cum-public policy was and is fair and proper. There is not even an iota of unfair labour practice either as untenably contended by the claimant in this para, nor such a policy decision suffers from the vice of ulterior motives as well. In the circumstances and in view of the factual position, the contents of this para are not admitted.

The workman applicant has not turned up after filing rejoinder. He has not filed any affidavit in support of his case.

It has been admitted from the side of the mangement that he was a contract worker. It has been also admitted that the workman was given the duties of cleaning and sweeping. The management has filed the agreement for sweeping and cleaning of those employees who were taken on contract basis after the termination of the services of the workmen. The management is not authorized to take contract workers for the work of sweeping and cleaning. It is a perennial nature of work and for perennial nture of work contract labour should not be employed. The management has also admitted that the workman applicant has worked for 200 days but the management has not filed the agreement regarding the workman applicant. The management has deliberately concealed this document as it would show that the workman applicant has worked for more than 240 days.

It has been held by the Hon'ble Supreme Court, JT 1999 (2) SC 435 that contract labour should not be engaged for perennial nature of work. It is against the devout objective as enshringed in the Constitution. The Hon'ble Supreme Court has further held that the workmen who have completed 240 days work in a year are entitled to be absorbed permanently as employees of respondents. It has been further held that on lifting the veil it would be clear that the work is of a perennial nature and in such nature of work the intermediary has to be kept out and it would be presumed that the relation of master and servant existed. These views have been reiterated by the Hon'ble Supreme Court in (2004) 1 SCC 126 and the Hon'ble Supreme Court has held that in such circumstances the contract labour is a sham or camouflage and the employer will not be relieved of his liability. In JT 2003(1) SC 465, the Hon'ble Supreme Court has held that contract labour should not be taken for perennial nature of work. In AIR 2001 SC 3527, the five Judges Bench of the Hon'ble Supreme Court has approved the law laid down in 2000 AIR SCW 4566, 2000 AIR SCW 2870, 2001 AIR SCW 134 and AIR 1973 SC 2297. From the perusal of the judgment of the Hon'ble Supreme Court in transpires that contract labour should not be engaged for work of perennial nature or of statutory nature. Such a work is continuous and regular work. Continuous and regular work should be discharged by regular employees and the contract becomes a camouflage and sham. In this case also payment has been directly made to the workman. No agreement of contract has been filed. The name of the contract worker has not been disclosed. In such circumstances the contract is a sham contract. In AIR 2001 SC 3527, the Hon'ble Supreme Court has held that the industrial adjudicator has the jurisdiction to adjudicate such matters so there is no force in the argument of the management that the Court/Tribunal has no jurisdiction. There reference is not also bad in law in

view of AIR 2001 SC Supra as such the reference is good in law. The Tribunal has got jurisdiction to decide such cases and contract workers should not be taken for performing duties of sweeping and cleaning. The law cited by the management, AIR 1992 SC 2070, AIR 1992 SC 2130, 1991 (2) Delhi Law Times 189 are not applicable in the facts and circumstances of the present case. If the management is getting this work done through contract workers the management is obviously adopting unfair labour practice.

The workman has not filed any affidavit and the management has filed affidavit so the affidavit of the management prevails and the workman applicant has failed to prove that he has done 240 days work. Section 25F of the ID Act is attracted only when it is established that the workman has performed 240 days work. It is settled law that the burden to prove this, lies on the workman. The workman has not discharged this burden so he is not able to get the relief sought for on this count only. The law cited by the management are not applicable in view of the recent decisions of the Hon'ble Supreme Court. Since claim statement has not been proved by affidavit the workman applicant is not entitled to get any relief.

The reference is replied thus :—

The action of the management of MTNL in terminating the services of Shri Rajender, Safai Karamchari w.e.f. 08-03-1995 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The award is given accordingly.

Date : 23-6-2005 R. N. RAI, Presiding Officer

नई दिल्ली, 29 जून, 2005

का. आ. 2623.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. टी. एन. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-II नई दिल्ली के पंचाट (संदर्भ संख्या 73/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2005 को प्राप्त हुआ था।

[सं. एल-40012/49/96-आई आर(डी यू)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 29th June, 2005

S.O. 2623.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 73/1998) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MTNL and their workman, which was received by the Central Government on 29-06-2005.

[No. L-40012/49/96-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER ; CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II NEW DELHI

PRESIDING OFFICER : R. N. RAI

I. D. No. 73/98

IN THE MATTER OF :—

Shri Veer Pal,
C/o. Sh. T. R. Kashyap,
Chamber No. 741,
Western Wing,
Tis Hazari Court,
Delhi-110054.

Versus

M/s. Mahanagar Telephone Nigam Ltd. (MTNL),
Through the General Manager(s)-I,
MTNL,
Bhikaji Cama Place,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-40012/49/96-IR (DU) Central Government dt. 03-03-1998 has referred the following point for adjudication.

The point runs as hereunder :—

"Whether the action of the management of MTNL in terminating the services of Shri Veer Pal, Safai Karamchari, w.e.f. 08-03-1995 is justified and legal? If not, what relief the workman is entitled to."

The workman applicant has filed statement of claim. In the statement of claim it has been stated that the workman was employed as a Safai Karamchari on daily wage basis along with six other workers at the new MTNL building Complex, 8, Bhikaji Cama Place and worked as such from 2nd May, 1994 to 08-03-1995 on which date his services were illegally and arbitrarily terminated by the management by a verbal order. In fact new daily wage employees were engaged/given place of the workman. This was obviously done to illegally disrupt the continuity of service of the workman.

That the workman had worked with the management for the above said period without any break and had

completed 240 days of work in employment of the management before his services were illegally done away with for ulterior motives. The workman would have continued to be employed because the work of sweeping, cleaning, dusting the office complex etc. against which he was employed was not of a casual one but of continuing and regular nature co-extensive with the occupation and use of the building complex by the employer/management. This truth is further fortifixed by the fact that new daily wage workers were immediately employed after the termination of the services of the present workmen now before this Hon'ble Court.

That no reason whatsoever was assigned to the workman for the termiation of his services. On the other hand, Shri B. K. Sharma, Deputy Supdt. had been demanding money from each one of the daily wage workmen for their continuance on the job and assured them to be absorbed on regular basis if they pleased him. But as the workman and his other colleagues were not ready to yield to this illegal demand, they were thrown out of employment. From the very next date new daily wage workers were inducted without raising a demand with the employment exchange or following any legal or proper channel which the management was bound to do as a public body. There was no justification whatsoever for replacing old daily wage workers with new daily rated workers. It amounts to an unfair labour practice and is an offence punishable in law. All this was done with ulterior motives.

That the workman had been discharging his duties with great honesty and dedication to his work. There was nothing against his work or conduct. That the workman aforesaid along with his other colleagues entreated the concerned officials to allow them to join their duties on 09-03-1995 but to no use. He found that new workers had been engaged and the petitioner and his other colleagues were not allowed even to enter the premises.

That the workman and his other colleagues had no alternative but to serve a notice of Demand on he Management. The notice of demand was duly served on 16-03-1995 calling upon the management to take the workman back on duty. As the management was in no mood to pay any heads to the prayer of the workman. Conciliation proceedings had to be initiated. The conciliation proceedings failed on account of the adamant attitude of the management.

That no notice or pay in lieu of notice as stipulated in the ID Act was given to th workman which is a condition precedent for valid retrenchment. The workman was also not tendered retrenchement compensation but also his earned wages from 01-03-1995 to 08-03-1995 were illegally withheld/not paid to him. That the act of the management is totally illegal, unjust and arbitrary. The same is void ab-initio being in gross violation inter-alia the mandatory statutory provisions contained in Section 25 (F) and 25 (H) of the ID Act, 1947. Having been illegally thrown out of employment the poor workman continues to be unemployed and has not been able to find any job for himself.

The management has filed written statement. In the written statement it is stated that the above matter is pending adjudication before this Hon'ble Tribunal pursuant to the order of reference made by the appropriate Government reading as under :—

> "Whether the action of the management of MTNL in terminating the services of Shri Dinesh, Safai Karamchari with effect from 08-03-1995 is legal and justified? If not, what relief the workman is entitled to."

The aforesaid impugned reference is bad in law as per the preliminary objections raised herein below.

That admittedly, the claimant above named was engaged by the respondent/management as a wager on daily basis and he was being paid as such as a casual labourer. Accordingly, his contract of assignment came to an end with the afflux of each day. Therefore, he had no legal right to ask for absorption and/or continuation of his aforesaid assignment as held by the Hon'ble Supreme Court in the case entitled **the Director, Institute of Management Development, U.P. *Vs.* Smt. Pushpa Srivastava reported in AIR 1992 SC 2070.** In this connection, the following observations made by the Hon'ble Supreme Court being pertinent are extracted below :—

> "Where the appointment is purely on adhoc basis and is contractual and by afflux of time, the appointment comes to an end, the person holding such post can have no right to contine in the post. This is so even if the person is continued from time to time on adhoc basis for more than a year. He cannot claim regularization in service on basis that he was appointed on adhoc basis for more than a year".

Reference may also be made to the decision of the Hon'ble Supreme Court in the case entitled **Piare singh Vs. State of Haryana, reported in AIR 1992 SC 2130.** The above principle is being followed by the Hon'ble Supreme Court without any exception. It is therefore, respectfully submitted that in view of the admitted position appropriate Government should have declined to refer the matter to this Hon'ble Tribunal. In the circumstances, to say the least, the reference is bad in law and without application of mind as well.

That it is a well known fact to the knowledge of the claimant as well that the respondent/management is a licensee of the Government of India, as a matter of policy, has decided that no regular recruitment should be made. The respondent/management as a matter of policy could not engage the persons like the claimant herein. The

impugned reference being violative of public policy is bad in law on this ground as well.

That as apprised to the Appropriate Government by the management through the Assistant Labour Commissioner (c), New Delhi vide reply dated 31-05-1995, a copy attached, the respondent/management as a matter of policy had decided to give the assignment of Safai/ Cleanliness and maintenance of offices to the Contractor as detailed hereinafter to the knowledge of the claimant. The claimant whose assignment as a daily casual labourer admittedly has come to an end on afflux of 08-03-1995 (he having worked as such from 16-08-1994 to 08-03-1995 and not from 02-05-1994 to 08-05-1995 as contended by him). He should have approached the contractor in view of the new policyof the management for the assignment but he failed to do so and as such he has to blame himself and not the management.

That without prejudice to each and every contention of the respondent/management, the respectful submission of the answering management is that at the wrost the cause of action to the claimant had arisen on 08-03-1995 whereas the impugned reference has now been made say after more three years. The impugned reference suffers from the vice of belatedness and ignores the fundamental aspect of the respondent/management, as a matter of policy, having resorted to the contract system. The reference, as such, is bad in law, highly belated and against the legislative-cum-public policy and warrants to be declined without any relief to the claimant, in the circumstances of the case.

That the impugned reference is bad in law as it amounts to overstepping the jurisdiction not vested by law more particularly under Section-10 of the Contract Labour (Regulation & Abolition) Act, 1970, the Central Government has not specifically prohibited the respondent/ management a Company under the Company Act incorporated and established in the year 1986 from engaging labour on contract basis, as in the instant case, duly elaborated by the respondent/management in its reply before the Ld. ALC (C), New Delhi supported by the relevant contract as annexure thereto. It is respectfully submitted that where there is no notification issued under this section employment of contract act is not barred 1991(2) Delhi Lawyer 189 (207).

It is, however, wrong on the part of the claimant to allege that he was engaged, as aforesaid, and worked from 02-05-1994 to 08-05-1995. The true fact to the knowledge of the claimant is that his assignment with the respondent/ management was during the period 16-08-1994 to 08-03-1995 and he being admittedly a casual/daily wager on adhoc basis, his assignment would come to end with the afflux of each day as per the well settled laid down by the Hon'ble Supreme Court having the force of law under Article 14 of the Constitution of India. Thus the action of the management in causing cessation of his assignment finally on 08-03-1995 and assigning the work to a Contractor M/s. Bajaj Engineers, New Delhi, as per the arrangement/ agreement pursuant to the tender notice dated 13-01-1995, marked as Annexure M-1 and the acceptance thereof in March 1995 marked as Annexure M-2 culminating into the concluded agreement dated 01-05-1995 marked as Annexure M-3 effective from 01-04-1995 was valid, legal and proper and in conformity with the legislative-cum-public policy. The claimant cannot be permitted to have any grudge on that account. The rest of the contents of this para are not admitted.

The claimant being a daily wager has no legal right to be continued in the assignment of sweeping/cleaning etc. as repeatedly held by the Hon'ble Supreme Court. The contention of the claimant that new daily wage workers are employed after cessasion of employment being wrong to the knowledge of the claimant, is not admitted. The true fact is that the assignment of cleanliness etc. was assigned to a contractor as a matter of administrative policy. As such and every contention raised by the claimant in this para is not admitted as the true facts have been stated here to fore.

The claimant being a daily wager, his assignment would come to an end on the afflux of each time and he has no legal right to ask for continuation of his assignment. The action of the management in giving the assignment of cleaning etc. to the contractor having been based upon the administrative policy in conformity with the legislative-cum-public policy was and is fair and proper. There is not even an iota of unfair labour practice either as untenably contended by the claimant in this para, nor such a policy-decision suffers from the vice of ulterior motives as well. In the circumstances and in view of the factual position, the contents of this para are not admitted.

The workman applicant has not turned up after filing rejoinder. He has not filed any affidavit in support of his case.

It has been admitted from the side of the management that he was a contract worker. It has been also admitted that the workman was given the duties of cleaning and sweeping. The management has filed the agreement for sweeping and cleaning of those employees who were taken on contract basis after the termination of the services of the workmen. The management is not authorized to take contract workers for the work of sweeping and cleaning. It is a perennial nature of work and for perennial nature of work contract labour should not be employed. The management has also admitted that the workman applicant has worked for 200 days but the management has not filed the agreement regarding the workman applicant. The management has deliberately concealed this document as it would show that the workman applicant has worked for more than 240 days.

It has been held by the Hon'ble Supreme Court, JT 1999 (2) SC 435 that contract labour should not be engaged for perennial nature of work. It is against the devout objective as enshringed in the Constitution. The Hon'ble Supreme Court has further held that the workmen who have completed 240 days work in a year are entitled to be absorbed permanently as employees of respondents. It has been further held that on lifting the veil it would be clear that the work is of a perennial nature and in such nature of work the intermediary has to be kept out and it would be presumed that the relation of master and servant existed. These views have been reiterated by the Hon'ble Supreme Court in (2004) 1 SCC 126 and the Hon'ble Supreme Court has held that in such circumstances the contract labour is a sham or camouflage and the employer will not be relieved of his liability. In JT 2003(1) SC 465, the Hon'ble Supreme Court has held that contract labour should not be taken for perennial nature of work. In AIR 2001 SC 3527, the five Judges Bench of the Hon'ble Supreme Court has approved the law laid down in 2000 AIR SCW 4566, 2000 AIR SCW 2870, 2001 AIR SCW 134 and AIR 1973 SC 2297. From the perusal of the judgement of the Hon'ble Supreme Court in transpires that contract labour should not be engaged for work of perennial nature or of statutory nature. Such a work is continuous and regular work. Continuous and regular work should be discharged by regular employees and the contract becomes a camouflage and sham. In this case also payment has been directly made to the workman. No agreement of contract has been filed. The name of the contract worker has not been disclosed. In such circumstances the contract is a sham contract. In AIR 2001 SC 3527, the Hon'ble Supreme Court has held that the industrial adjudicator has the jurisdiction to adjudicate such matters so there is no force in the argument of the management that the Court/Tribunal has no jurisdiction. The reference is not also bad in law in view of AIR 2001 SC Supra as such the reference is good in law. The Tribunal has got jurisdiction to decide such cases and contract workers should not be taken for performing duties of sweeping and cleaning. The law cited by the management, AIR 1992 SC 2070, AIR 1992 SC 2130, 1991 (2) Delhi Law Times 189 are not applicable in the facts and circumstances of the present case. If the management is getting this work done through contract workers the management is obviously adopting unfair labour practice.

The workman has not filed any affidavit and the management has filed affidavit so the affidavit of the management prevails and the workman applicant has failed to prove that he has done 240 days work. Section 25F of the ID Act is attracted only when it is established that the workman has performed 240 days work. It is settled law that the burden to prove this, lies on the workman. The workman has not discharged this burden so he is not able to get the relief sought for on this count only. The law cited by the management are not applicable in view of the recent decisions of the Hon'ble Supreme Court. Since claim statement has not been proved by affidavit the workman applicant is not entitled to get any relief.

The reference is replied thus :—

The action of the management of MTNL in terminating the services of Shri Veer Pal, Safai Karamchari w.e.f. 08-03-1995 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The Award is given accordingly.

Date : 22-6-2005 R. N. RAI, Presiding Officer

नई दिल्ली, 29 जून, 2005

का. आ. 2624.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एम. टी. एन. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-II नई दिल्ली के पंचाट (संदर्भ संख्या 69/1998) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2005 को प्राप्त हुआ था।

[सं. एल-40012/48/96-आई आर(डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 29th June, 2005

S.O. 2624.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.69/1998) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MTNL and their workman, which was received by the Central Government on 29-06-2005.

[No. L-40012/48/96-IR (DU)]

KULDEEP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER ; CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER : R. N. RAI.

I. D. No. 69/98

IN THE MATTER OF :—

Shri Dinesh,
C/o. Sh. T. R. Kashyap,
Chamber No. 741,
Western Wing,
Tis Hazari Court,
Delhi-110 054.

Versus

M/s. Mahanagar Telephone Nigam Ltd. (MTNL),
Through the General Manager(s)-I,
MTNL,
Bhikaji Cama Place,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-40012/48/96-IR (DU) Central Government dt. 03-03-1998 has referred the following point for adjudication.

The point runs as hereunder :—

"Whether the action of the management of MTNL in terminating the services of Shri Dinesh, Safai Karamchari, w.e.f. 08-03-1995 is justified and legal? If not, what relief the workman is entitled to."

The workman applicant has filed statement of claim. In the statement of claim it has been stated that the workman was employed as a Safai Karamchari on daily wage basis along with six other workers at the new MTNL building Complex, 8, Bhikaji Cama Place and worked as such from 2nd May, 1994 to 08-03-1995 on which date his services were illegally and arbitrarily terminated by the management by a verbal order. In fact new daily wage employees were engaged/given place of the workman. This was obviously done to illegally disrupt the continuity of service of the workman.

That the workman had worked with the management for the above said period without any break and had completed 240 days of work in employment of the management before his services were illegally done away with for ulterior motives. The workman would have continued to be employed because the work of sweeping, cleaning, dusting the office complex etc. against which he was employed was not of a casual one but of continuing and regular nature co-extensive with the occupation and use of the building complex by the employer/management. This truth is further fortifixed by the fact that new daily wage workers were immediately employed after the termination of the services of the present workmen now before this Hon'ble Court.

That no reason whatsoever was assigned to the workman for the termination of his services. On the other hand, Shri B. K. Sharma, Deputy Supdt. had been demanding money from each one of the daily wage workmen for their continuance on the job and assured them to be absorbed on regular basis if they pleased him. But as the workman and his other colleagues were not ready to yield to this illegal demand, they were thrown out of employment. From the very next date new daily wage workers were inducted without raising a demand with the employment exchange or following any legal or proper channel which the management was bound to do as a public body. There was no justification whatsoever for replacing old daily wage workers with new daily rated workers. It amounts to an unfair labour practice and is an offence punishable in law. All this was done with ulterior motives.

That the workman had been discharging his duties with great honesty and dedication to his work. There was nothing against his work or conduct. That the workman aforesaid along with his other colleagues entreated the concerned officials to allow them to join their duties on 09-03-1995 but to no use. He found that new workers had been engaged and the petitioner and his other colleagues were not allowed even to enter the premises.

That the workman and his other colleagues had no alternative but to serve a notice of Demand on the Management. The notice of demand was duly served on 16-03-1995 calling upon the management to take the workman back on duty. As the management was in no mood to pay any heads to the prayer of the workman. Conciliation proceedings had to be initiated. The conciliation proceedings failed on account of the adamant attitude of the management.

That no notice or pay in lieu of notice as stipulated in the ID Act was given to the workman which is a condition precedent for valid retrenchment. The workman was also not tendered retrenchement compensation but also his earned wages from 01-03-1995 to 08-03-1995 were illegally withheld/not paid to him. That the act of the management is totally illegal, unjust and arbitrary. The same is *void ab-initio* being in gross violation inter-alia the mandatory statutory provisions contained in Section 25 (F) and 25 (H) of the ID Act, 1947. Having been illegally thrown out of employment the poor workman continues to be unemployed and has not been able to find any job for himself.

The management has filed written statement. In the written statement it is stated that the above matter is pending adjudication before this Hon'ble Tribunal pursuant to the order of reference made by the appropriate Government reading as under :—

"Whether the action of the management of MTNL in terminating the services of Shri Dinesh, Safai Karamchari with effect from 08-03-1995 is legal and justified? If not, what relief the workman is entitled to."

The aforesaid impungned reference is bad in law as per the preliminary objections raised herein below.

That admittedly, the claimant above named was engaged by the respondent/management as a wager on daily basis and he was being paid as such as a casual labourer. Accordingly, his contract of assignment came to an end with the afflux of each day. Therefore, he had no legal right to ask for absorption and/or continuation of his

aforesaid assignment as held by the Hon'ble Supreme Court in the case entitled **the Director, Institute of Management Development, U.P. *Vs.* Smt. Pushpa Srivastava reported in AIR 1992 SC 2070.** In this connection, the following observations made by the Hon'ble Supreme Court being pertinent are extracted below :—

> "Where the appointment is purely on adhoc basis and is contractual and by afflux of time, the appointment comes to an end, the person holding such post can have no right to continue in the post. This is so even if the person is continued from time to time on adhoc basis for more than a year. He cannot claim regularization in service on basis that he was appointed on adhoc basis for more than a year."

Reference may also be made to the decision of the Hon'ble Supreme Court in the case entitled **Piare Singh *Vs.* State of Haryana, reported in AIR 1992 SC 2130.** The above principle is being followed by the Hon'ble Supreme Court without any exception. It is therefore, respectfully submitted that in view of the admitted position appropriate Government should have declined to refer the matter to this Hon'ble Tribunal. In the circumstances, to say the least, the reference is bad in law and without application of mind as well.

That it is a well known fact to the knowledge of the claimant as well that the respondent/management is a licensee of the Government of India, as a matter of policy, has decided that no regular recruitment should be made. The respondent/management as a matter of policy could not engage the persons like the claimant herein. The impugned reference being violative of public policy is bad in law on this ground as well.

That as apprised to the Appropriate Government by the management through the Assistant Labour Commissioner (C), New Delhi vide reply dated 31-05-1995, a copy attached, the respondent/management as a matter of policy had decided to give the assignment of Safai/ Cleanliness and maintainance of offices to the Contractor as detailed hereinafter to the knowledge of the claimant. The claimant whose assignment as a daily casual labourer admittedly has come to an end on afflux of 08-03-1995 (he having worked as such from 16-08-1994 to 08-03-1995 and not from 02-05-1994 to 08-05-1995 as contended by him). He should have approached the contractor in view of the new policy of the management for the assignment but he failed to do so and as such he has to blame himself and not the management.

That without prejudice to each and every contention of the respondent/management, the respectful submission of the answering management is that at the wrost the cause of action to the claimant had arisen on 08-03-1995 whereas the impugned reference has now been made say after more three years. The impugned reference suffers from the vice of belatedness and ignores the fundamental aspect of the respondent/management, as a matter of policy, having resorted to the contract system. The reference, as such, is bad in law, highly belated and against the legislative-cum-public policy and warrants to be declined without any relief to the claimant, in the circumstances of the case.

That the impugned reference is bad in law as it amounts to overstepping the jurisdiction not vested by law more particularly under Section-10 of the Contract Labour (Regulation & Abolition) Act, 1970, the Central Government has not specifically prohibited the respondent/ management a Company under the company act imcorporated and established in the year 1986 from engaging labour on contract basis, as in the instant case, duly elaborated by the respondent/management in its reply before the Ld. ALC (C), New Delhi supported by the relevant contract as annexure thereto. It is respectfully submitted that where there is no notification issued under this section employment of contract act is not barred 1991(2) Delhi Lawyer 189 (207).

It is, however, wrong on the part of the claimant to allege that he was engaged, as aforesaid, and worked from 02-05-1994 to 08-05-1995. The true fact to the knowledge of the claimant is that his assignment with the respondent/ management was during the period 16-08-1994 to 08-03-1995 and he being admittedly a casual/daily wager on *adhoc* basis, his assignment would come to end with the afflux of each day as per the well settled laid down by the Hon'ble Supreme Court having the force of law under Article 14 of the Constitution of India. Thus the action of the management in causing cessation of his assignment finally on 08-03-1995 and assigning the work to a Contractor M/s. Bajaj Engineers, New Delhi, as per the arrangement/agreement pursuant to the tender notice dated 13-01-1995, marked as Annexure M-1 and the acceptance thereof in March 1995 marked as Annexure M-2 culminating into the concluded agreement dated 01-05-1995 marked as Annexure M-3 effective from 01-04-1995 was valid, legal and proper and in conformity with the legislative-cum-public policy. The claimant cannot be permitted to have any grudge on that account. The rest of the contents of this para are not admitted.

The claimant being a daily wager has no legal right to be continued in the assignment of sweeping/cleaning etc. as repeatedly held by the Hon'ble Supreme Court. The contention of the claimant that new daily wage workers are employed after cessation of employment being wrong to the knowledge of the claimant, is not admitted. The true fact is that the assignment of cleanliness etc. was assigned to a contractor as a matter of administrative policy. As

such and every contention raised by the claimant in this para is not admitted as the true facts have been stated heretofore.

The claimant being a daily wager, his assignment would come to an end on the afflux of each time and he has no legal right to ask for continuation of his assignment The action of the management in giving the assignment of cleaning etc. to the contractor having been based upon the administrative policy in conformity with the legislative-cum-public policy was and is fair and proper. There is not even an iota of unfair labour practice either as untenably contended by the claimant in this para, nor such a policy decision suffers from the vice of ulterior motives as well. In the circumstances and in view of the factual position, the contents of this para are not admitted.

The workman applicant has not turned up after filing rejoinder. He has not filed any affidavit in support of his case.

It has been admitted from the side of the management that he was a contract worker. It has been also admitted that the workman was given the duties of cleaning and sweeping. The management has filed the agreement for sweeping and cleaning of those employees who were taken on contract basis after the termination of the services of the workmen. The management is not authorized to take contract workers for the work of sweeping and cleaning. It is a perennial nature of work and for perennial nature of work contract labour should not be employed. The management has also admitted that the workman applicant has worked for 200 days but the management has not filed the agreement regarding the workman applicant. The management has deliberately concealed this document as it would show that the workman applicant has worked for more than 240 days.

It has been held by the Hon'ble Supreme Court, JT 1999 (2) SC 435 that contract labour should not be engaged for perennial nature of work. It is against the devout objective as enshringed in the Constitution. The Hon'ble Supreme Court has further held that the workmen who have completed 240 days work in a year are entitled to be absorbed permanently as employees of respondents. It has been further held that on lifting the veil it would be clear that the work is of a perennial nature and in such nature of work the intermediary has to be kept out and it would be presumed that the relation of master and servant existed. These views have been reiterated by the Hon'ble Supreme Court in (2004) 1 SCC 126 and the Hon'ble Supreme Court has held that in such circumstances the contract labour is a sham or camouflage and the employer will not be relieved of his liability. In JT 2003(1) SC 465, the Hon'ble Supreme Court has held that contract labour should not be taken for perennial nature of work. In AIR 2001 SC 3527, the five Judges Bench of the Hon'ble Supreme Court has approved the law laid down in 2000 AIR SCW 4566, 2000 AIR SCW 2870, 2001 AIR SCW 134 and AIR 1973 SC 2297. From the perusal of the judgement of the Hon'ble Supreme Court it transpires that contract labour should not be engaged for work of perennial nature or of statutory nature. Such a work is a continuous and regular work. Continuous and regular work should be discharged by regular employees and the contract becomes a camouflage and sham. In this case also payment has been directly made to the workman. No agreement of contract has been filed. The name of the contract worker has not been disclosed. In such circumstances the contract is a sham contract. In AIR 2001 SC 3527, the Hon'ble Supreme Court has held that the industrial adjudicator has the jurisdiction to adjudicate such matters so there is no force in the argument of the management that the Court/Tribunal has no jurisdiction. There reference is not also bad in law in view of AIR 2001 SC Supra as such the reference is good in law. The Tribunal has got jurisdiction to decide such cases and contract workers should not be taken for performing duties of sweeping and cleaning. The law cited by the management, AIR 1992 SC 2070, AIR 1992 SC 2130, 1991 (2) Delhi Law Times 189 are not applicable in the facts and circumstances of the present case. If the management is getting this work done through contract workers the management is obviously adopting unfair labour practice.

The workman has not filed any affidavit and the management has filed affidavit so the affidavit of the management prevails and the workman applicant has failed to prove that he has done 240 days work. Section 25F of the ID Act is attracted only when it is established that the workman has performed 240 days work. It is settled law that the burden to prove this, lies on the workman. The workman has not discharged this burden so he is not able to get the relief sought for on this count only. The law cited by the management are not applicable in view of the recent decisions of the Hon'ble Supreme Court. Since claim statement has not been proved by affidavit the workman applicant is not entitled to get any relief.

The reference is replied thus :—

The action of the management of MTNL in terminating the services of Shri Dinesh, Safai Karamchari w.e.f. 08-03-1995 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The Award is given accordingly.

Date : 21-6-2005 R. N. RAI, Presiding Officer

नई दिल्ली, 29 जून, 2005

का. आ. 2625.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एम.टी.एन.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या 72/95) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2005 को प्राप्त हुआ था।

[सं. एल-40012/47/96-आईआर(डीयू)]
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 29th June, 2005

S.O. 2625.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 72/98) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MTNL and their workman, which was received by the Central Government on 29-06-2005.

[No. L-40012/47/96-IR (DU)]
KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER : R. N. RAI

I.D. NO. 72/98

IN THE MATTER OF :

Smt. Suraj Mukhi,
C/o. Sh. T. R. Kashyap.
Chamber No. 741, Western Wing,
Tis Hazari Court,
Delhi-110054.

Versus

M/s. Mahanagar Telephone Nigam Ltd. (MTNL),
Through the General Manager(s)-I,
MTNL., Bhikaji Cama Place,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-40012/47/96-IR (DU) Central Government dt. 3-3-1998 has referred the following point for adjudication.

The point runs as hereunder :—

"Whether the action of the management of MTNL in terminating the services of Smt. Suraj Mukhi, Safai karmchari, w.e.f. 8-3-1995 is justified and legal? If not, what relief the workman is entitled to".

The workman applicant has filed statement of claim. In the statement of claim it has been stated that the workman was employed as a Safai Karmachari on daily wage basis along with six other workers at the new MTNL building Complex, 8, Bhikaji Cama Place and worked as such from 2nd May 1994 to 8-3-1995 on which date his services were illegally and arbitrarily terminated by the management by a verbal order. In fact new daily wage employees were engaged/given place of the workman. This was obviously done to illegally disrupt the continuity of service of the workman.

That the workman had worked with the management for the above said period without any break and had completed 240 days of work in employment of the management before his services were illegally done away with for ulterior motives. The workman would have continued to be employed because the work of sweeping, cleaning, dusting the office complex etc. against which he was employed was not of a casual one but of continuing and regular nature co-extensive with the occupation and use of the building complex by the employer/management. This truth is further fortifixed by the fact that new daily wage workers were immediately employed after the termination of the services of the present workmen now before this Hon'ble Court.

That no reason whatsoever was assigned to the workman for the termination of his services. On the other hand, Shri B.K. Sharma, Deputy Supdt. had been demanding money from each one of the daily wage workmen for their continuance on the job and assured them to be absorbed on regular basis if they pleased him. But as the workman and his other colleagues were not ready to yield to this illegal demand, they were thrown out of employment. From the very next date new daily wage workers were inducted without raising a demand with employment exchange or following any legal or proper channel which the management was bound to do as a public body. There was no justification whatsoever for replacing old daily wage workers with new daily rated workers. It amounts to an unfair labour practice and is an offence punishable in law. All this was done with ulterior motives.

That the workman had been discharging his duties with great honesty and dedication to his work. There was nothing against his work or conduct. That the workman aforesaid along with his other colleagues entreated the concerned officials to allow them to join their duties on

9-3-1995 but to no use. He found that new workers had been engaged and the petitioner and his other colleagues were not allowed even to enter the premises.

That the workman and his other colleagues had no alternative but to serve a notice of Demand on the Management. The notice of demand was duly served on 16-3-1995 calling upon the management to take the workman back on duty. As the management was in no mood to pay any heeds to the prayer of the workman. Conciliation proceedings had to be initiated. The conciliation proceedings failed on account of the adamant attitude of the management.

That no notice or pay in lieu of notice as stipulated in the ID Act was given to the workman which is a condition precedent for valid retrenchment. The workman was also not tendered retrenchement compensation but also his earned wages from 1-3-1995 to 8-3-1995 were illegally withheld/not paid to him. That the act of the management is totally illegal, unjust and arbitrary. The same is void ab-initio being in gross violation *inter-alia* the mandatory statutory provisions contained in Section 25 (F) and 25 (H) of the ID Act, 1947. Having been illegally thrown out of employment the poor workman continues to be unemployed and has not been able to find any job for himself.

The management has filed written statement. In the written statement it is stated that the above matter is pending adjudication before this Hon'ble Tribunal pursuant to the order of reference made by the appropriate Government reading as under :—

"Whether the action of the management of MTNL in terminating the services of Shri Dinesh, Safai Karamchari with effect from 8-3-1995 is legal and justified? If not, what relief the workman is entitled to."

The aforesaid impungned reference is bad in law as per the preliminary objections raised herein below

That admittedly, the claimant above [illegible]d was engaged by the respondent/management as a wager on daily basis and he was being paid as such as a casual labourer. Accordingly, his contract of assignment came to an end with the afflux of each day. Therefore, he had no legal right to ask for absorption and/or continuation of his aforesaid assignment as held by the Hon'ble Supreme Court in the case entitled The Director, Institute of Management Development, Up, Vs. Smt Pushpa Srivastava reported in AIR 1992 SC 2070. In this connection, the following observations made by the Hon'ble Supreme Court being pertinent are extracted below :—

"Where the appointment is purely on adhoc basis and is contractual and by afflux of time, the appointment comes to an end, the person holding such post can have no right to continue in the post. This is so even if the person is continued from time to time on adhoc basis for more than a year. He cannot claim regularization in service on basis that he was appointed on adhoc basis for more than a year".

Reference may also be made to the decision of the Hon'ble Supreme Court in the case entitled **Piare Singh** ***Vs.*** **State of Haryana, reported in AIR 1992 SC 2130.** The above principle is being followed by the Hon'ble Supreme Court without any exception. It is therefore, respectfully submitted that in view of the admitted position appropriate Government should have declined to refer the matter to this Hon'ble Tribunal. In the circumstances, to say the least, the reference is bad in law and without application of mind as well.

That it is a well known fact to the knowledge of the claimant as well that the respondent/management is a licensee of the Government of India, as a matter of policy, has decided that no regular recruitment should be made. The respondent/management as a matter of policy could not engage the persons like the claimant herein. The impugned reference being violative of public policy is bad in law on this ground as well.

That as apprised to the Appropriate Government by the management through the Assistant Labour Commissioner (C), New Delhi vide reply dated 31-5-1995, a copy attached, the respondent/management as a matter of policy had decided to give the assignment of Safai/ Cleanliness and maintainance of offices to the Contractor as detailed hereinafter to the knowledge of the claimant. The claimant whose assignment as a daily casual labourer admittedly has come to an end on afflux of 8-3-1995 (he having worked as such from 16-8-1994 to 8-3-1995 and not from 2-5-1994 to 8-5-1995 as contended by him). He should have approached the contractor in view of the new policy of the management for the assignment but he failed to do so and as such he has to blame himself and not the management.

That without prejudice to each and every contention of the respondent/management,. the respectful submission of the answering management is that at the wrost the cause of action to the claimant had arisen on 8-3-1995 whereas the impugned reference has now been made say after more three years. The impugned reference suffers from the vice of belatedness and ignores the fundamental aspect of the respondent/management, as a matter of policy, having resorted to the contract system. The reference, as such, is bad in law, highly belated and against the legislative-cum-public policy and warrants to be declined without any relief to the claimant, in the circumstances of the case.

That the impugned reference is bad in law as it amounts to overstepping the jurisdiction not vested by law more particularly under Section-10 of the Contract Labour (Regulation & Abolition) Act, 1970, the Central

Government has not specifically prohibited the respondent/ management a Company under the company act incorporated and established in the year 1986 from engaging labour on contract basis, as in the instant case, duly elaborated by the respondent/management in its reply before the Ld. ALC(C), New Delhi supported by the relevant contract as annexure thereto. It is respectfully submitted that where there is no notification issued under this section employment of contract act is not barred 1991 (2) Delhi Lawyer 189 (207).

It is, however, wrong on the part of the claimant to allege that he was engaged, as aforesaid, and worked from 2-5-1994 to 8-5-1995, the true fact to the knowledge of the claimant is that his assignment with the respondent/ management was during the period 16-8-1994 to 8-3-1995 and he being admittedly a casual/daily wager on adhoc basis, his assignment would come to end with the afflux of each day as per the well settled laid down by the Hon'ble Supreme Court having the force of law under Article 14 of the Constitution of India. Thus the action of the management in causing cessation of his assignment finally on 8-3-1995 and assigning the work to a Contractor M/s. Bajaj Engineers, New Delhi, as per the arrangement/ agreement pursuant to the tender notice dated 13-1-1995, marked as Annexure-M-1 and the acceptance thereof in March 1995 marked as Annexure-M-2 culminating into the concluded agreement dated 1-5-1995 marked as Annexure-M-3 effective from 1-4-1995 was valid, legal and proper and in conformity with the legislative-cum-public policy. The claimant cannot be permitted to have any grudge on that account. The rest of the contents of this para are not admitted.

The claimant being a daily wager has no legal right to be continued in the assignment of sweeping/cleaning etc. as repeatedly held by the Hon'ble Supreme Court. The contention of the claimant that new daily wage workers are employed after cessasion of employment being wrong to the knowledge of the claimant, is not admitted. The true fact is that the assigment of cleanliness etc. was assigned to a contractor as a matter of administrative policy. As such and every contention raised by the claimant in this para is not admitted as the true facts have been stated heretofore.

The claimant being a daily wager, his assignment would come to an end on the afflux of each time and he has no legal right to ask for continuation of his assignment. The action of the management in giving the assignment of cleaning etc. to the contractor having been based upon the administrative policy in conformity with the legislative-cum-public policy was and is fair and proper. There is not even an iota of unfair labour practice either as untenably contended by the claimant in this para, nor such a policy decision suffers from the vice of ulterior motives as well. In the circumstances and in view of the factual position, the contents of this para are not admitted.

The workman applicant has not turned up after filing rejoinder. He has not filed any affidavit in support of this case.

It has been admitted from the side of the management that he was a contract worker. It has been also admitted that the workman was given the duties of cleaning and sweeping. The management has filed the agreement for sweeping and cleaning of those employees who were taken on contract basis after the termination of the services of the workmen. The management is not authorized to take contract workers for the work of sweeping and cleaning. It is a perennial nature of work and for perennial nature of work contract labour should not be employed. The management has also admitted that the workman applicant has worked for 200 days but the management has not filed the agreement regarding the workman applicant. The management has deliberately concealed this document as it would show that the workman applicant has worked for more than 240 days.

It has been held by the Hon'ble Supreme Court, JT 1999 (2) SC 435 that contract labour should not be engaged for perennial nature of work. It is against the devout objective as enshringed in the Constitution. The Hon'ble Supreme Court has further held that the workmen who have completed 240 days work in a year are entitled to be absorbed permanently as employees of respondents. It has been further held that on lifting the veil it would be clear that the work is of a perennial nature and in such nature of work the intermediary has to be kept out and it would be presumed that the relation of master and servant existed. These views have been reiterated by the Hon'ble Supreme Court in (2004) 1 SCC 126 and the Hon'ble Supreme Court has held that in such circumstances the contract labour is a sham or camouflage and the employer will not be relieved of his liability. In JT 2003 (1) SC 465, the Hon'ble Supreme Court has held that contract labour should not be taken for perennial nature of work. In AIR 2001 SC 3527, the five Judges Bench of the Hon'ble Supreme Court has approved the law laid down in 2000 AIR SCW 4566, 2000 AIR SCW 2870, 2001 AIR SCW 134 and AIR 1973 SC 2297. From the perusal of the judgment of the Hon'ble Supreme Court it transpires that contract labour should not be engaged for work of perennial nature or of statutory nature. Such a work is a continuous and regular work. Continuous and regular work should be discharged by regular employees and the contract becomes a camouflage and sham. In this case also payment has been directly made to the workman. No agreement of contract has been filed. The name of the contract worker has not been disclosed. In such circumstances the contract is a sham contract. In AIR 2001 SC 3527, the Hon'ble Supreme Court has held that the industrial adjudicator has the jurisdiction

to adjudicate such matters so there is no force in the argument of the management that the Court/Tribunal has no jurisdiction. The reference is not also bad in law in view of AIR 2001 SC Supra as such the reference is good in law. The Tribunal has got jurisdiction to decide such cases and contract workers should not be taken for performing duties of sweeping and cleaning. The law cited by the management, AIR 1992 SC 2070, AIR 1992 SC 2130, 1991 (2) Delhi Law Times 189 are not applicable in the facts and circumstances of the present case. If the management is getting this work done through contract workers the management is obviously adopting unfair labour practice. The workman has not filed any affidavit and the management has filed affidavit so the affidavit of the management prevails and the workman applicant has failed to prove that he has done 240 days work. Section 25 F of the ID Act is attracted only when it is established that the workman has performed 240 days work. It is settled law that the burden to prove this, lies on the workman. The workman has not discharged this burden so he is not able to get the relief sought for on this count only. The law cited by the management are not applicable in view of the recent decisions of the Hon'ble Supreme Court, Since claim statement has not been proved by affidavit the workman applicant is not entitled to get any relief.

The reference is replied thus :—

The action of the management of MTNL in terminating the services of Smt. Suraj Mukhi, Safai Karamchari w.e.f. 8-3-1995 is legal and justified. The workman applicant is not entitled to ger any relief as prayed for.

The Award is given accordingly.

Date : 20-6-2005 R. N. RAI, Presiding Officer

नई दिल्ली, 29 जून, 2005

का. आ. 2626.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, एम.टी.एन.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ नं.-II, नई दिल्ली के पंचाट (संदर्भ संख्या 75/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2005 को प्राप्त हुआ था।

[सं. एल-40012/45/96-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 29th June, 2005

S.O. 2626.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 75/98) of the Central Government Industrial Tribunal/Labour Court No. II, New Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of MTNL and their workman, which was received by the Central Government on 29-06-2005.

[No. L-40012/45/96-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

PRESIDING OFFICER : R. N. RAI

I.D. NO. 75/98

IN THE MATTER OF :

Shri. Bijender,
C/o. Sh. T. R. Kashyap.
Chamber No. 741, Western Wing,
Tis Hazari Court,
Delhi-110054.

Versus

M/s. Mahanagar Telephone Nigam Ltd. (MTNL),
Through the General Manager(s)-I,
MTNL., Bhikaji Cama Place,
New Delhi.

AWARD

The Ministry of Labour by its letter No. L-40012/45/96-IR (DU) Central Government dtd. 2-3-1998 has referred the following point for adjudication.

The point runs as hereunder :—

"Whether the action of the management of MTNL in terminating the services of Shri Bijender, Safai Karmchari, w.e.f. 8-3-1995 is justified and legal? If not, what relief the workman is entitled to".

The workman applicant has filed statement of claim. In the statement of claim it has been stated that the workman was employed as a Safai Karmchari on daily wage basis along with six other workers at the new MTNL building Complex, 8, Bhikaji Cama Place and worked as such from 2nd May, 1994 to 8-3-1995 on which date his services were illegally and arbitrarily terminated by the management by a verbal order. In fact new daily wage employees were engaged/given place of the workman. This was obviously done to illegally disrupt the continuity of service of the workman.

That the workman had worked with the management for the above said period without any break and had completed 240 days of work in employment of the

management before his services were illegally done away with for ulterior motives. The workman would have continued to be employed because the work of sweeping, cleaning, dusting the office complex etc. against which he was employed was not of a casual one but of continuing and regular nature co-extensive with the occupation and use of the building complex by the employer/management. This truth is further fortifixed by the fact that new daily wage workers were immediately employed after the termination of the services of the present workmen now before this Hon'ble Court.

That no reason whatsoever was assigned to the workman for the termination of his services. On the other hand, Shri B.K. Sharma, Deputy Supdt. had been demanding money from each one of the daily wage workmen for their continuance on the job and assured them to be absorbed on regular basis if they pleased him. But as the workman and his other colleagues were not ready to yield to this illegal demand, they were thrown out of employment. From the very next date new daily wage workers were inducted without raising a demand with the employment exchange or following any legal or proper channel which the management was bound to do as a public body. There was no justification whatsoever for replacing old daily wage workers with new daily rated workers. It amounts to an unfair labour practice and is an offence punishable in law. All this was done with ulterior motives.

That the workman had been discharging his duties with great honesty and dedication to his work. There was nothing against his work or conduct. That the workman aforesaid along with his other colleagues entreated the concerned officials to allow them to join their duties on 9-3-1995 but to no use. He found that new workers had been engaged and the petitioner and his other colleagues were not allowed even to enter the premises.

That the workman and his other colleagues had no alternative but to serve a notice of demand on the management. The notice of demand was duly served on 16-3-1995 calling upon the management to take the workman back on duty. As the management was in no mood to pay any heeds to the prayer of the workman. Conciliation proceedings had to be initiated. The conciliation proceedings failed on account of the adamant attitude of the management.

That no notice or pay in lieu of notice as stipulated in the ID Act was given to the workman which is a condition precedent for valid retrenchment. The workman was also not tendered retrenchment compensation but also his earned wages from 1-3-1995 to 8-3-1995 were illegally withheld/not paid to him. That the act of the management is totally illegal, unjust and arbitrary. The same is void ab-initio being in gross violation *inter-alia* the mandatory statutory provisions contained in Section 25 (F) and 25 (H) of the ID Act, 1947. Having been illegally thrown out of employment the poor workman continues to be unemployed and has not been able to find any job for himself.

The management has filed written statement. In the written statement it is stated that the above matter is pending adjudication before this Hon'ble Tribunal pursuant to the order of reference made by the appropriate Government reading as under :—

"Whether the action of the management of MTNL in terminating the services of Shri Dinesh, Safai Karamchari with effect from 8-3-1995 is legal and justified? If not, what relief the workman is entitled to."

The aforesaid impungned reference is bad in law as per the preliminary objections raised herein below.

That admittedly, the claimant above named was engaged by the respondent/management as a wager on daily basis and he was being paid as such as a casual labourer. Accordingly, his contract of assignment came to an end with the afflux of each day. Therefore, he had no legal right to ask for absorption and/or continuation of his aforesaid assignment as held by the Hon'ble Supreme Court in the case entitled **the Director, Institute of Management Development, UP, Vs. Smt. Pushpa Srivastava reported in AIR 1992 SC 2070.** In this connection, the following observations made by the Hon'ble Supreme Court being pertinent are extracted below :—

"Where the appointment is purely on adhoc basis and is contractual and by afflux of time, the appointment comes to an end, the person holding such post can have no right to continue in the post. This is so even if the person is continued from time to time on adhoc basis for more than a year. He cannot claim regularization in service on basis that he was appointed on adhoc basis for more than a year".

Reference may also be made to the decision of the Hon'ble Supreme Court in the case entitled **Piare Singh Vs. State of Haryana, reported in AIR 1992 SC 2130.** The above principle is being followed by the Hon'ble Supreme Court without any exception. It is therefore, respectfully submitted that in view of the admitted position appropriate Government should have declined to refer the matter to this Hon'ble Tribunal. In the circumstances, to say the least, the reference is bad in law and without application of mind as well.

That it is a well known fact to the knowledge of the claimant as well that the respondent/management is a licensee of the Government of India, as a matter of policy, has decided that no regular recruitment should be made. The respondent/management as a matter of policy could

not engage the persons like the claimant herein. The impugned reference being violative of public policy is bad in law on this ground as well.

That as apprised to the appropriate Government by the management through the Assistant Labour Commissioner (C), New Delhi vide reply dated 31-5-1995, a copy attached. the respondent/management as a matter of policy had decided to give the assignment of Safai/ Cleanliness and maintainance of offices to the Contractor as detailed hereinafter to the knowledge of the claimant. The claimant whose assignment as a daily casual labourer admittedly has come to an end on afflux of 8-3-1995 (he having worked as such from 16-8-1994 to 8-3-1995 and not from 2-5-1994 to 8-5-1995 as contended by him). He should have approached the contractor in view of the new policy of the management for the assignment but he failed to do so and as such he has to blame himself and not the management.

That without prejudice to each and every contention of the respondent/management, the respectful submission of the answering management is that at the wrost the cause of action to the claimant had arisen on 8-3-1995 whereas the impugned reference has now been made say after more three years. The impugned reference suffers from the vice of belatedness and ignores the fundamental aspect of the respondent/management, as a matter of policy, having resorted to the contract system. The reference, as such, is bad in law, highly belated and against the legislative-cum-public policy and warrants to be declined without any relief to the claimant, in the circumstances of the case.

That the impugned reference is bad in law as it amounts to overstepping the jurisdiction not vested by law more particularly under Section-10 of the Contract Labour (Regulation & Abolition) Act, 1970, the Central Government has not specifically prohibited the respondent/ management a Company under the Company Act incorporated and established in the year 1986 from engaging labour on contract basis, as in the instant case, duly elaborated by the respondent/management in its reply before the Ld. ALC(C), New Delhi supported by the relevant contract as annexure thereto. It is respectfully submitted that where there is no notification issued under this section employment of contract act is not barred 1991 (2) Delhi Lawyer 189 (207).

It is, however, wrong on the part of the claimant to allege that he was engaged, as aforesaid, and worked from 2-5-1994 to 8-5-1995, the true fact to the knowledge of the claimant is that his assignment with the respondent/ management was during the period 16-8-1994 to 8-3-1995 and he being admittedly a casual/daily wager on adhoc basis, his assignment would come to end with the afflux of each day as per the well settled laid down by the Hon'ble Supreme Court having the force of law under Article 14 of the Constitution of India. Thus the action of the management in causing cessation of his assignment finally on 8-3-1995 and assigning the work to a Contractor M/s. Bajaj Engineers, New Delhi, as per the arrangement/ agreement pursuant to the tender notice dated 13-1-1995, marked as Annexure-M-1 and the acceptance thereof in March 1995 marked as Annexure-M-2 culminating into the concluded agreement dated 1-5-1995 marked as Annexure-M-3 effective from 1-4-1995 was valid, legal and proper and in conformity with the legislative-cum-public policy. The claimant cannot be permitted to have any grudge on that account. The rest of the contents of this para are not admitted.

The claimant being a daily wager has no legal right to be continued in the assignment of sweeping/cleaning etc. as repeatedly held by the Hon'ble Supreme Court. The contention of the claimant that new daily wage workers are employed after cessation of employment being wrong to the knowledge of th claimant, is not admitted. The true fact is that the assignment of cleanliness etc. was assigned to a contractor as a matter of administrative policy. As such and every contention raised by the claimant in this para is not admitted as the true facts have been stated heretofore.

The claimant being a daily wager, his assignment would come to an end on the afflux of each time and he has no legal right to ask for continuation of his assignment. The action of the management in giving the assignment of cleaning etc. to the contractor having been based upon the administrative policy in conformity with the legislative-cum-public policy was and is fair and proper. There is not even an iota of unfair labour practice either as untenably contended by the claimant in this para, nor such a policy decision suffers from the vice of ulterior motives as well. In the circumstances and in view of the factual position, the contents of this para are not admitted.

The workman applicant has not turned up after filing rejoinder. He has not filed any affidavit in support of this case.

It has been admitted from the side of the management that he was a contract worker. It has been also admitted that the workman was given the duties of cleaning and sweeping. The management has filed the agreement for sweeping and cleaning of those employees who were taken on contract basis after the termination of the services of the workmen. The management is not authorized to take contract workers for the work of sweeping and cleaning. It is a perennial nature of work and for perennial nature of work contract labour should not be employed. The management has also admitted that the workman applicant has worked for 200 days but the management has not filed the agreement regarding the workman applicant. The management has deliberately concealed this document as it would show that the workman applicant has worked for more than 240 days.

It has been held by the Hon'ble Supreme Court, JT 1999 (2) SC 435 that contract labour should not be engaged for perennial nature of work. It is against the devout objective as enshrined in the Constitution. The Hon'ble Supreme Court has further held that the workmen who have completed 240 days work in a year are entitled to be absorbed permanently as employees of respondents. It has been further held that on lifting the veil it would be clear that the work is of a perennial nature and in such nature of work the intermediary has to be kept out and it would be presumed that the relation of master and servant existed. These views have been reiterated by the Hon'ble Supreme Court in (2004) 1 SCC 126 and the Hon'ble Supreme Court has held that in such circumstances the contract labour is a sham or camouflage and the employer will not be relieved of his liability. In JT 2003 (1) SC 465, the Hon'ble Supreme Court has held that contract labour should not be taken for perennial nature of work. In AIR 2001 SC 3527, the five Judges Bench of the Hon'ble Supreme Court has approved the law laid down in 2000 AIR SCW 4566, 2000 AIR SCW 2870, 2001 AIR SCW 134 and AIR 1973 SC 2297. From the perusal of the judgment of the Hon'ble Supreme Court it transpires that contract labour should not be engaged for work of perennial nature or of statutory nature. Such a work is a continuous and regular work. Continuous and regular work should be discharged by regular employees and the contract becomes a camouflage and sham. In this case also payment has been directly made to the workman. No agreement of contract has been filed. The name of the contract worker has not been disclosed. In such circumstances the contract is a sham contract. In AIR 2001 SC 3527, the Hon'ble Supreme Court has held that the industrial adjudicator has the jurisdiction to adjudicate such matters so there is no force in the argument of the management that the Court/Tribunal has no jurisdiction. The reference is not also bad in law in view of AIR 2001 SC Supra as such the reference is good in law. The Tribunal has got jurisdiction to decide such cases and contract workers should not be taken for performing duties of sweeping and cleaning. The law cited by the management, AIR 1992 SC 2070, AIR 1992 SC 2130, 1991 (2) Delhi Law Times 189 are not applicable in the facts and circumstances of the present case. If the management is getting this work done through contract workers the management is obviously adopting unfair labour practice. The workman has not filed any affidavit and the management has filed affidavit so the affidavit of the management prevails and the workman applicant has failed to prove that he has done 240 days work. Section 25 F of the ID Act is attracted only when it is established that the workman has performed 240 days work. It is settled law that the burden to prove this, lies on the workman. The workman has not discharged this burden so he is not able to get the relief sought for on this count only. The law cited by the management are not applicable in view of the recent decisions of the Hon'ble Supreme Court. Since claim statement has not been proved by affidavit the workman applicant is not entitled to get any relief.

The reference is replied thus :—

The action of the management of MTNL in terminating the services of Shri Bijender, Safai Karamchari w.e.f. 8-3-1995 is legal and justified. The workman applicant is not entitled to get any relief as prayed for.

The Award is given accordingly.

Date. 24-6-2005 R. N. RAI, Presiding Officer

नई दिल्ली, 29 जून, 2005

का. आ. 2627.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, देना बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, हैदराबाद के पंचाट (संदर्भ संख्या 32/87) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-6-2005 को प्राप्त हुआ था।

[सं. एल-12012/448/86-डी-II(ए)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 29th June, 2005

S.O. 2627.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/87) of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on 28-06-2005.

[No. L-12012/448/86-D-II (A)]
C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

PRESENT : SRI. M. E. N. PATRUDU,
Chairman, Industrial Tribunal-I, Hyd.

Date : 6th day of May, 2005

Industrial Dispute No. 32 OF 1987

Between :

The Workman (N. Laxminarayana) of Dena Bank,
Dharmaram Branch,
Rep. by his General Secretary,
Dena Bank Employees Union, A. P. Unit,
C/o. Dena Bank, Bank Street,
Hyderabad ... Petitioner

AND

The Regional Manager, Dena Bank,
Sona Towers, 71, Millars Road,
Bangalore-560052 ... Respondent

APPEARANCES :—

General Secretary of the Petition Union
Smt. K. Annapurna Reddy,
Advocate for the Respondent.

AWARD

1.00 PETITIONER :

The petitioner is Dena Bank Employees' Union, Rep. by its General Secretary

2.00 RESPONDENTS :

The Respondent is the Dena Bank, Rep. by its Regional Manager

3.00 DISPUTE :

The dispute is:

"Whether the action of the management of Dena Bank is justified in inflicting the punishment of stoppage of special allowance (Cash allowance) and also stoppage of annual increment with cumulative effect to Shri N. Laxminarayana, Cashier-cum-Clerk Dharmaram Branch?

If not, to what relief the concerned workman is entitled?"

4.00 Claim Statement is filed by the Petitioner and Counter is filed by the Respondent.

5.00 In nutshell, the facts are that the management of Dena Bank respondent herein has inflicted the Punishment of stoppage of special allowance and stoppage of annual increment with cumulative effect to N. Laxminarayana, the workman herein and whether it is justified or not? The admitted facts are employment of the workman and also the stoppage of increment and allowance.

6.00 This Tribunal has passed an Award holding that the action of the Management in stoppage of special allowance is justified but stoppage of annual increment with cumulative effect is not justified and therefore directed to release the annual increment.

7.00 Aggrieved by the same, a Writ Petition is filed before the Hon'ble High Court and in W. P. No. 11104/94 the matter was remitted for fresh consideration.

8.00 On receipt of the order of the Hon'ble High Court notices were issued to both parties,

8.01 General Secretary of Petitioner Union filed a memo of appearance, Smt. K. Annapurna Reddy, filed Vakalat for respondent.

9.00 The matter is adjourned from time to time. Finally the matter was heard.

10.00 On behalf of petitioner the Union of Dena Bank Employees, it is represented by their General Secretary that the workman was removed from service on the charges of misconduct and whereabouts of the workman are not known at present and the workman is not interested in the dispute and since the workman was terminated from service, the payment of special allowance does not arise and the dispute may be dismissed and award may be passed accordingly.

11.00 RESULT :

In the result, I hold that the action of the Management is justified and the workman is not entitled for any relief.

Dictated to the Senior Stenographer, transcribed by her, corrected and pronounced by me in the open Court, on this the 6th day of May, 2005.

M. E. N. PATRUDU, Chairman

APPENDIX OF EVIDENCE

BEFORE REMAND

No oral evidence is adduced by either side

Documents marked for the Petitioner

—Nil—

Documents marked for the Respondent by consent

Ex. M1 : Xerox copy of the enquiry proceedings against N. Laxminarayana, Head Cashier as per charge sheet No. RP/PER/533/82 dated 22-1-82

Ex. M2 : Xerox copy of the enquiry proceedings against N. Laxminarayana, Head Cashier as per charge sheet No. RP/PER/5273/83 dated 9-6-82

AFTER REMAND

—Nil—

नई दिल्ली, 29 जून, 2005

का. आ. 2628.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, देना बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या 51/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-6-2005 को प्राप्त हुआ था।

[सं. एल-12012/260/96-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 29th June, 2005

S. O. 2628.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 51/97) of the Industrial Tribunal Hyderabad as shown in the Annexure in the Industrial Dispute between the management and their workman, received by the Central Government on 28-6-2005.

[No. L-12012/260/96-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-I, AT HYDERABAD

Present: Sri M. E. N. Patrudu,
Chairman, Industrial Tribunal-I, Hyd.

Dated 6th day of MAY, 2005

Industrial Dispute No. 51 of 1997

BETWEEN:

The General Secretary,
Dena Bank Employees Union,
C/o. Dena Bank, Bank Street, Hyderabad-500 001

......Petitioner

AND

The General Manager (P),
Dena Bank Head Office, Maker Towers,
Coffe Parade, Mumbai-400 005

.....Respondent

APPEARANCES:

Sri A. Prathivi Raj, Representative for the petitioner

Sri U. Rama Rao, Representative for the Respondent

AWARD

1.00 The Government of India referred the dispute to this Tribunal for adjudication.

2.00 The dispute is "Whether the action of the Management of Dena Bank Hyderabad in terminating the services of Sh. Narsimloo, Ex-Badli Peon w.e.f. 2-2-95 without following Sec. 25(F) of Industrial Disputes Act is legal and Justified ? If not, to what relief the said workman is entitled ?"

3.00 Both parties appeared and filed their respective claim statement and counter.

4.00 On behalf of petitioner two witnesses are examined and on behalf of Respondent two witnesses are examined.

5.00 Exs-W1 to W15 are marked for petitioner. Ex-M1 to M3 are marked for the respondent.

6.00 The Tribunal has pronounced an Award on 14-9-1998 holding that the Petitioner Sh. Narshimloo is not entitled for any relief.

7.00 Aggrieved by the same the employees union preferred writ petition No. 36555 of 1998.

7.01 The Hon'ble High Court was pleaded to remit the matter to this Tribunal and the Impugned Award is set aside and the Hon'ble High Court observed "The matter is remitted back to the Industrial Tribunal and the Tribunal may give an opportunity to the management to lead evidence only to the aspect that the workman had not worked for 240 days continuously during the relevant period i.e. on calendar year preceding the date of termination, apart from the evidence already available on record, and pass appropriate award, in accordance with law".

8.00 The copy of the above order is received on 13-9-2004 and as per the directions of the Hon'ble High Court the dispute is to be disposed off before 12-12-2004 hence notices were issued to both parties to appear on 5-10-2004 and also a letter was addressed to the Hon'ble High Court of records.

8.01 Records from the Hon'ble High Court were not received till 21-2-2005. The records are received only on 21-2-2005. The matter is heard. The petitioner reported that they have no further evidence.

8.02 The representative of the management reported that they have not maintained any attendance register or wage register for the temporary employees and the workman in dispute is only a temporary employee. Therefore, there is no record either to show that the workman has worked for 1 day or 1 year. It is further stated that the workman did not work continuously and as and when his services are utilized by the bank the amount was paid and the same was debited into his account No. 4387.

They have produced the leave register of regular employees through affidavit.

9.00 Heard arguments of both sides.

10.00 The point for determination is
Whether the workman had worked for 240 days in the calendar year preceding his termination ?

10.01 **Point :**

The specific directions of the Hon'ble High Court is that an opportunity has to be given to the management to lead evidence whether the workman had not worked for 240 days continuously during the relevant year i.e. one calendar year preceding date of termination.

10.02 In this case the management of the Dena Bank i.e., terminated the services of Sh. Narsimuloo the peon and the said termination was questioned as whether it is legal and justified without following Section 25(F) of the I.D. Act.

10.03 The specific case of the petitioner is that the workman worked continuously from 11/89 to 7/91 and again from 28-2-92 to 2-2-1995.

10.04 The specific case of management his services were utilized as and when required.

10.05 Ex-W6 is document relied by the petitioner to establish that the workman was paid @ Rs. 15/- per day and all the days he worked and he worked for more than 240 days in a calendar year prior to his termination from 3-1-1989.

10.06 The petitioner relied on the evidence of WW1 to prove that the workman has worked continuously with the respondent bank and also worked for 240 days before his termination. They have also relied on Exs-W1 to W15.

10.07 The respondent relied on the evidence of MW1 and MW2 and also Exs-M1 to M3 to canvas their case that the termination of services of workman is legal.

10.08 I have minutely gone through the evidence of WW1. WW1 is the workman in dispute. His evidence is disclosing that he worked with the respondent as sub-staff and in case of absence of any regular staff his services used to be utilized and the bank used to pay Rs. 15 per day for extra work and he is to be paid Rs. 150 per month as salary and this amount used to be accounted in his Savings Bank A/c. No. 4287.

10.09 In support of his evidence Ex-W1 and W2 are marked and the contents of both the documents are clearly establishing that the respondent bank used to utilize the services of the petitioner.

10.10 Exs-W6 is the statement prepared by the bank showing that the petitioner has worked as sub-staff. Ex-W6 is disclosing that the petitioner used to work from 3-10-1989 and an amount of Rs. 15/- per day was paid through debit vouchers. Perusal of Ex-W6 discloses that the petitioner has worked for 221 days in the year 1989-90 in an year of 365 days and from S. No. 222 to 495 it discloses that the petitioner has worked continuously from 10-9-1990 to 31-7-1991 for 273 days.

10.11 Thus in the year 1990-1991 the petitioner has worked for more than 240 days with the respondent. The respondent produced Ex-M1 and it is a Xerox copy of the letter address by Branch Manager, Tandur Branch to the Regional Manager Dena Bank. In this they have shown only 18 days as working days in the year 1989 and they have shown only November and December. Whereas Ex-W6 is disclosing that the petitioner worked from 3-10-1989.

10.12 Further in Ex-M1 the respondent has shown 182 days in the year 1990 and 99 days in the year 1991. If both are tallied together, it is very clear that the petitioner has worked for more 240 days in the calendar year.

10.13 The crucial question is whether the petitioner has worked for more than 240 days in a calendar year prior to his termination i.e., for the year 1994-1995. It is not in dispute that the workman worked till February 1995. Whether he has put up 240 days from 1994 to 2/1995 is to be verified.

10.14 In order to establish this fact the petitioner has produce Ex-W13. It is a savings bank pass book of the petitioner maintained by the respondent bank with Account No. 4287.

10.15 I have minutely gone through the contents of the pass book. It was opened on 25-9-1992 and the notings are clearly establishing that from July 1993 the petitioner had continuously worked till January 1995 and he was terminated in February 1995. Monthly salary of Rs. 150 was deposited for every month from 7/1993 to 1/1995. Entries of deposit of Rs. 150 per month is clearly establishing that the bank is depositing the salary to the petitioner regularly in the bank.

10.16 MW2 who is working as manager with the bank has clearly admitted in the cross-examination that the workman was engaged from 11/1989 to 7/1991 and again from 28-8-1992 he continuously worked up to 2/1995 even after Ex-W7 letter.

10.17 Therefore the evidence of WW1, MW2 and the contents of Ex-W6, W13, M1 are clearly establishing that the petitioner has worked for more than 240 days in the calendar year prior to his termination.

11.00 The Hon'ble High Court has given one more opportunity to the banker i.e. respondent herein to produce any document to prove that the petitioner has not worked for 240 days in the relevant period.

11.01 The Hon'ble High Court has clearly observed that banker has wantonly did not produce the records and the workman has discharge his initial burden by marking Ex-W13 but the Management did not produce any evidence for the relevant period of 1994. Therefore the burden shifts on the management to prove that the workman had not worked for 240 days and it is for the Management to produce the relevant document to show that the workman has not worked continuously for 240 days and with the above observation the Hon'ble High Court has remitted back the matter to the Tribunal to give one more opportunity to banker to lead the evidence on the aspect that the workman had not worked 240 days continuously during one calendar year preceding the date of termination.

11.02 Accordingly the opportunity was given to the respondent management to produce the evidence. The respondent did not produce any evidence except filing the affidavit where in it is stated that the leave register maintained for the regular employees disclosing that the petitioner was appointed only during the leave of the sub-staff as such the leaves of the regular employees may be considered so that the employment of petitioner will be established. It is absurd. The engagement of workman for 240 days is not depending upon leaves of the regular employees. The said register is not disclosing the employment of workman.

11.03 When Ex-W13 is bank saving pass book maintained by the respondent is establishing that the respondent was depositing salary of Rs. 150 is for every month from 7/1993 till 1/1995 the burden lies on the management to produce the relevant registers. In Ex-M1 the bank has clearly stated that the workman has worked for specific number of days from 1989 to 1993 and statement was also given and the bank was able to given such a statement from 1989 to 1993. Then it is absurd to say that the records from 5/1993 till 2/1995 are not available. It is nothing but suppressing the records to mislead the Tribunal or to defeat the legal claims of the workman, hence an adverse inference has to be drawn against the respondent in this regard.

11.04 Despite giving an opportunity to the respondent they did not produce any evidence on the other the petitioner/workman had discharge initial burden through Ex-W13.

11.05 In the above circumstances, I hold that the petitioner has worked with the respondent for more than 240 days in one calendar year prior to his termination and as such the bank has to follow the provisions of Section 25(F) of ID Act before initiating any action against the workman.

11.06 Admittedly the bank has not followed Section 25(F) of the ID Act and they have terminated the services of the workman without following the mandatory provisions of the Section 25(F) of the ID Act.

11.07 Therefore, I hold that the action of the Management is illegal and unjustified.

11.08 Since the workman has not worked with the respondent from the date of termination and he is not render any service and he must have been employed some where else during that period to ache his livelihood. I am of the opinion that the workman is not entitled for back wages as he is not discharge any services to the bank.

11.09 Further, the petitioner is entitled for reinstatement with continuity of service as he was terminated without following the provisions of Sec. 25(F) of ID Act and he is deemed to be in continuous service of the bank from the date of termination till the date of his reinstatement.

12.00 In the result, I hold that the action of the Management of Dena Bank Hyderabad in terminating the services of the workman Mr. Narsimloo w.e.f. 2-2-1995 without following Section 25F of the ID Act is illegal and unjustified. Accordingly the workman Narsimloo is entitled for reinstatement with continuity of service from 2-2-1995, however without back wages.

Dictated to the Shorthand Writer, transcribed by him, corrected and pronounced by me in the open Court on this the 6th day of May, 2005.

M.E.N. PATRUDU, Chairman

APPENDIX OF EVIDENCE

BEFORE REMAND

WITNESS EXAMINED FOR PETITIONER

WW1 : K. N. NARSIMOOLU
WW2 : K. N. NARSIMHA REDDY

WITNESSES EXAMINED FOR RESPONDENT

MW1 : J. LAXMANACHARY
MW2 : G. PRABHAKAR RAO

DOCUMENTS MARKED FOR THE PETITIONER

Ex-W1 : Xerox copy of letter given by WW1 to the Branch Manager Dena Bank on 18-2-1993.

Ex-W2 : Xerox copy of Savings Pass Book of WW1.

Ex-W3 : Xerox copy of letter dtd. 1-7-1994 given to WW1 to attend the office to give management witness in theft case.

Ex-W4 : Xerox copy of letter dated 20-7-1994 given to WW1 to attend the office to give management witness in theft case.

Ex-W5 : Xerox copy of list of candidates sponsored by employment exchange dated 5-1-1990.

Ex-W6 : Copy of statement showing the work done by WW1 on various dates.

Ex-W7 : Xerox copy of letter dated 24-6-1993 written by the Branch Manager to the Regional Office Bangalore.

Ex-W8 : Letter addressed to the regional Manager Dena Bank Bangalore by the Branch Manager dated 23-2-1993.

Ex-W9 : Xerox copy of the letter dated 17-6-1993 of the Regional Manager to the Branch Manager Dena Bank.

Ex-W10 : Xerox copy of the letter of the Regional Manager dated 14-8-1993 addressed to the Branch Manager Tandoor Branch regarding the empanelment of temporary employees engaged on or after 1-1-1982 who have worked for 240 days.

Ex-W11 : Xerox copy of the letter addressed by the Branch Manager Tandoor Branch to the Regional Manager Regional Office Bangalore dated 20-8-1993.

Ex-W12 : Xerox copy of Minutes of the meeting with All India Dena Bank employees co-ordination committee on 28-4-1995 and 29-4-1995 at Head Office.

Ex-W13 : Pass book issued to WW1 by the Bank (original in place of W2).

Ex-W14 : Copy of representation dated 24-3-1996 made by K. Narsimhulu peon for reinstatement of his services.

Ex-W15 : Xerox copy of letter dated 14-12-1993 to the Employment Exchange Office, Vikarabad.

DOCUMENTS MARKED FOR THE RESPONDENT

Ex-M1 : Xerox copy of letter dated 24-6-1993 of the Branch Manager, Dena Bank to Regional Manager Dena Bank, Bangalore enclosing the statement of days worked WW1.

Ex-M2 : Bunch of voters containing 253.

Ex-M3 : Letter dated 25-1-1995 from the Assistant General Manager to the Branch Manager Dena Bank.

AFTER REMAND

No. Oral evidence is adduced by either side.

DOCUMENTS MARKED FOR THE PETITIONER

NIL

DOCUMENTS MARKED FOR THE RESPONDENT
(by consent)

Ex-M4 : Salary Journal of the Dena Bank Tandoor Branch.

Ex-M5 : Leave Register for Internal use only in respect of Tandoor Branch.

नई दिल्ली, 29 जून, 2005

का. आ. 2629.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, पंजाब नेशनल बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ संख्या 28/91) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-6-2005 को प्राप्त हुआ था।

[सं. एल-12012/332/90-आई आर (बी-II)]
सी. गंगाधरण, अवर सचिव

New Delhi, the 29th June, 2005

S. O. 2629.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 28/91) of the Central Government Industrial Tribunal -cum-Labour Court No. 2 Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 28-06-2005.

[No. L-12012/332/1990-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

Present: Sri B. Biswas, Presiding Officer.
In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947.

Reference No. 28 of 1991

Parties:

Employers in relation to the management of Punjab National Bank, Jharia Branch and their workman.

Appearances:

On behalf of the workman : Mr. D. Mukherjee, Advocate.

On behalf of the employers : Mr. O. P. Verma, Advocate.

State : Jharkhand Industry : Banking

Dated, the 13th June, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-12012/332/90-IR(B-2) dated, the 18th March, 1991.

SCHEDULE

"Whether the action of the management of Punjab National Bank, Jharia Branch, P.O. Jharia, Distt. Dhanbad in dismissing Shri Mahendra Prasad Sharma, Daftry is justified? If not, to what relief the workman is entitled?"

2. The case of the concerned workman according to Written Statement submitted by him is as follows :—

The concerned workman submitted that he got his appointment as Daftry in the year 1969 by the management on temporary basis and thereafter on confirmation in the said post he was posted at Jharia Branch in the year 1973. On 9-5-78 management issued a chargesheet to him with the allegation of committing misconduct and also issued an order of suspension. Simultaneously management also lodged FIR against him at Jharia P.S. which was registered as Jharia P. S. Case No. 28(5)/78 dt. 13-5-78. After investigation the Investigating Officer submitted chargesheet against him before the Learned Judicial Magistrate, First Class Dhanbad U/S. 467, 468, 471, 420 and 379 IPC after chargesheet trial of the accused person was initiated in G.R. Case No. 1429/78. As the concerned workman pleaded not guilty and claimed to be tried while contents of charge framed was read over and explained to him. He submitted that after completion hearing of the said case he was acquitted from all the charges framed against him by the Ld. Judicial Magistrate first class in his judgement and order dt. 24-6-81. Inspite of getting acquittal from the said criminal case management initiated domestic enquiry against him over the same charges and after completing that departmental enquiry proceeding the Disciplinary Authority, he submitted, dismissed him from his service by Order dt. 13-3-81 without providing him reasonable opportunity to defend his case. Accordingly he submitted a memorandum of appeal for consideration in the matter of his dismissal from service and also submitted several representations but the management did not pay any importance to the same. He submitted that his order of dismissal passed by the Disciplinary Authority was not only illegal and arbitrary but also violated the principle of natural justice. He further submitted that against the said order of acquittal management preferred an appeal before the Hon'ble High Court, Patna, Ranchi Bench which was registered as Criminal Revision No. 400/81 (R) but the said Revision was dismissed by the Hon'ble Court. As the management did not consider his prayer for reinstatement in service inspite of dismissal of Revision Petition he raised an Industrial Dispute before the ALC(C), Dhanbad which ultimately resulted reference to his Tribunal for adjudication. The concerned workman accordingly submitted his prayer to pass award directing the management to reinstatement him in service from the date of dismissal with full back wages and other consequential relief after setting aside the said order of dismissal.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations which the concerned workman asserted in his Written Statement. They submitted that it is admitted position that the concerned workman was dismissed from his service by way of punishment in accordance with the provision of Bipartite Settlement vide Order dt. 13-3-81 passed by the Disciplinary Authority. They submitted further that the concerned workman while officiating as Daftry at Jharia Branch was served with the chargesheet cum-suspension letter dt. 9-5-78 whereby it was alleged that he not only had stolen one draft book from the Branch but also forged one Draft for Rs. 25,000 which ultimately presented in another branch of the Bank for encashment. The concerned workman submitted his reply to the chargesheet on 15-5-78. The Disciplinary Authority thereafter constituted departmental enquiry and further ordered *de novo* enquiry vide order dt. 14-6-79 and after enquiry was conducted in accordance with the provision of the Bipartite Settlement which is binding by the parties the Enquiry Officer submitted his report dt. 26-9-80 to the

Disciplinary Authority holding the concerned workman guilty to the charges. They submitted that during departmental enquiry all reasonable opportunities were afforded to the concerned workman to defend his case. After considering that report submitted by the Enquiry Officer the Disciplinary Authority issued a show-cause notice dt. 5-1-81 and proposed punishment and after hearing him the Disciplinary Authority vide order dt. 13-3-81 issued order of dismissal as punishment under the provision of Bipartite Settlement. They submitted that departmental enquiry conducted by the Enquiry Officer was fair, proper and in accordance with the principle of natural justice because of the fact that full opportunity was given to the concerned workman to defend his case. They submitted that the charges brought against the concerned workman were so serious that there was no way out to dismiss him from service. Accordingly they further submitted that they did not commit any illegality or took any arbitrary decision violating the principle of natural justice in dismissing him from service. In the result management submitted his prayer rejecting the claim of the concerned workman.

4. **Points to be decided:**

"Whether the action of the management of Punjab National Bank, Jharia Branch, P.O. Jharia, Distt. Dhanbad in dismissing Shri Mahendra Prasad Sharma, Daftry is justified? If not, to what relief the workman is entitled?"

5. **Finding with reasons:**

It transpires from the record that before taking up hearing of this case on merit it was taken into consideration whether domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. The said issue on preliminary point was disposed of vide order No. 94 dt. 15-11-2002 wherein it was decided that the domestic enquiry held against the concerned workman was not fair, proper and in accordance with the principle of natural justice and for which the said enquiry proceeding was vitiated. Accordingly opportunity was given to the management to adduce evidence on merit. In course of hearing the case on merit management examined two witnesses as MW-1 and MW-2. The chargesheet during hearing was marked as Ext.-M-3. The contents of the charges which were brought against the concerned workman are as follows :—

"(1) You got a saving Bank Account No. 4547 with an initial deposit of Rs. 10/- through your cousin Shri Dilip Kumar Sharma in the fictitious name of Shri Dilip Kumar Dutta (DK Dutta) at Bokaro Steel City Branch of Punjab National Bank.

(2) You stole away one blank draft book containing blank draft forms serial No. 361326 to 361350 out of the parcel containing blank draft books received from our Head Office and used, forged and fabricated one leaf out of the said draft book and converted it as a draft for Rs. 25,000/- by forging the signatures of the manager and accountant of Bisauli branch of this bank and also manipulating the numbers and the rubber stamps and other writing etc. of the said branch and got it presented for encashment on 5-5-78 at our Bokaro Steel City branch through your said cousin Shri Dilip Kumar Sharma."

It is the specific claim of the management that the concerned workman was involved in stealing a Bank draft Book containing Sl. No. 361326 to 361350 and thereafter he manipulated Draft No. 361326 as Draft No. 961036 for Rs. 25,000 and for encashment of the said draft he sent his own cousin Dilip Kumar Dutta to Bokaro Steel City Branch on 6-5-78. As genuineness of the said draft was doubtful the Manager, Bokaro Steel City branch interrogated said Dilip Kumar Dutta account holder. During interrogation said Dilip Kumar Dutta admitted that the said draft was handed over to him by the concerned workman who happened to be his uncle. On getting such information from D.K. Dutta the Manager of Bokaro Steel City branch of Punjab National Bank came to Jharia branch and during enquiry the concerned workman confessed that he handed over the said draft to Dilip Kumar Dutta account holder for its encashment. In this connection evidence of MW-1 may be taken into consideration. MW-1 during his evidence disclosed that that Bank draft book remains under the custody of the Manager and another officer of the Bank and the same is kept in the vault of the Bank under safe custody. He further disclosed that the Bank also maintains receipt record relating to the receipt of the Bank Draft from the Printing and Stationery Cell, New Delhi. Whenever any Bank draft is taken from the vault an entry to that effect is made in separate register. The concerned workman was a Daftry to the Bank. He was neither incharge of the Bank draft sent from Printing and Stationery Cell, New Delhi nor he was custodian of the vault. It is clear from the evidence of MW-1 that whenever any draft is taken out from the vault it is recorded in the Receipt Register of the Bank. It is really curious to note that Manager and another Officer remains in custody of the Bank draft books and when the same are kept in the safe custody in vault of the Bank how it was taken out from the vault by the concerned workman particularly when keys of the vault remain with the Manager and another officer. Therefore, presumption is to be drawn to the effect that after taking out the relevant draft book from the vault it was stolen out by the concerned workman. From the evidence of MW-1 it transpires that the moment the draft book is taken out from the vault it is recorded in the Receipt Register. Obviously draft book containing Sl. Nos. 361326 to 361350 was taken out from the vault by the Branch Manager and another officer and thereafter it was duly noted in the Receipt Register and thereafter the same was stolen away or it was stolen away before the

same was registered in the receipt register. In course of hearing of this case on merit management did not consider necessary to produce the Receipt Register with a view to prove that the said draft book after taken out from the vault was duly registered in the Receipt Register or to show that it was not at all registered. The Bank draft book remains under the custody of the Manager after the same is taken out from the vault. Therefore, Manager of the branch cannot exonerate his responsibility to explain how that draft book was a stolen away from his possession. No evidence is forthcoming on the part of the Branch Manager if he made any missing diary and made a note to the effect that the said draft book was found missing and from which date. It is also astonishing to note that before presentation of forged draft at Bokaro Steel City Branch by one Dilip Kumar Dutta management was in the dark about missing of the draft book as mentioned above. This should expose clearly that the Manager cannot exonerate his responsibility to explain how the said draft book went out of his possession. It is the contention of the management that the concerned workman had stolen away the said draft book and they have made such assertion on the basis of confessional statement made by the concerned workman. The confessional statement of the concerned workman as claimed by the management during evidence was marked as Ext. M-1 on merit. MW-1 during his evidence identified the letter marked as Ext. M-1 written by the concerned workman though it is clear that at the time he was not posted at Jharia Branch and also had no business with the said branch. The incident in question took place in the year 1978 and at that relevant time he had no personal knowledge on the basis of which allegation a chargesheet was issued to the concerned workman because of the fact that he was not posted there. He only came to know about the incident when he joined the Branch afterwards. He further admitted that the concerned workman never worked under him. Further he disclosed that as he was union leader he used to meet him frequently. This witness disclosed that the concerned workman wrote letters marked as Ext. M-1 and M-2 on merit in his presence but does not explain what occasion arose in writing the said two letters by the concerned workman in his presence and on which date. The concerned workman categorically denied the fact about writing of these two letters marked as Ext. M-1 and M-2 in presence of MW-1. From the enquiry report it transpires clearly that the Enquiry Officer found the concerned workman guilty to the charge just on the basis of confessional statement made by the concerned workman marked as Ext. M-1 on merit. I have considered the so-called confessional statement of the concerned workman marked as Ext. M-1 on merit. From this statement there is no scope to arrive into any conclusion in whose presence the same was recorded. It is a mere letter written by the concerned workman as alleged, addressed to the Branch Manager. Therefore, there is no scope to draw any conclusion that the concerned workman made confessional statement before the Manager. There is also no endorsement of the Branch Manager in the said statement. No witness also signed the statement to show that the same was given by the concerned workman to the Branch Manager.

It is seen from the record that the management sent this letter and also some other documents to the Officer of the Govt. Examiner of Questioned Document, Central Forensic Institute. The Govt. Examiner of Questioned Document subsequently submitted his report but it transpires from the record that in spite of giving ample opportunities to the management they did not consider necessary to examine the Govt. Examiner of Questioned Document as witness to prove the document in support of the report. The report of the Handwriting Expert as cannot be considered as public document there is no scope to take cognizance of the report considering the same as material exhibit until and unless the said Exprt is examined by the management and opportunity is give to the sponsoring union to cross-examine him. It should be considered as serious lapses on the part of the management that they failed to examine the Examiner of the Questioned document and for which they have failed to give any satisfactory explanation. Accordingly there is no scope to arrive into conclusion that the letter marked as Ext. M-1 on merit was actually written by the concerned workman. It should be borne into mind that there is no scope to arrive into conclusion and to find the person guilty just on the basis of any statement made by a person who has been chargesheeted. Initial onus absolutely rests on the prosecution/management to establish the charge brought against the person concerned. Any confessional statement if given cannot be considered as substantive piece of evidence and for which based on such statement only there is no scope at all to arrive into any such finding that the person is guilty to the charge brought against him. It is the contention of the management that the concerned workman after stealing that draft book manipulated one draft as mentioned above and converted that draft for an amount of Rs. 25,000/- and handed over to one Dilip Kumar Dutta for its presentation at Bokaro Steel City branch of the management for its encashment. In view of my discussion made above I find no hesitation to say that the management have failed to establish the charge of theft against the concerned workman. On the contrary after careful consideration of all relevant papers there is sufficient reason to believe that the Branch Manager and another Officer who were incharge of the vault cannot exonerate their responsibility to account for how the said draft book was lost from their possession. Specially the Manager cannot exonerate his responsibility to account for why he remained silent about missing of the said draft book as mentioned above till presentation of one draft for encashment at Bokaro Steel City branch by one Dilip Kumar Dutta. Onus absolutely rests on the management to

establish what role the concerned workman had in dealing with the draft book after taking out the same from the vault. There is no dispute at all that one draft Book bearing No. 361326 to 361350 was found missing but for that reason there is no scope to arrive into that conclusion that it was stolen by the concerned workman untill and unless the said allegation is substantiated beyond all reasonable proof. In course of evidence management did not consider necessary to examine the Branch Manager of Bokaro Steel City Branch as well as Account Holder Dilip Kumar Dutta who presented the draft amounting to Rs. 25,000/- there for encashment who during interrogation by the Branch Manager of Bokaro Steel City Branch admitted that the said draft was handed over to him for encashment by his uncle *i.e.* the concerned workman. Onus is on the management to establish that said Dilip Kumar Dutta was the cousin of the concerned workman but I find no hesitation to say they have lamentably failed to establish this fact. They also have failed to explain why they did not consider necessary to exmaine those two vital witnesses with a view to establish the charge brought against him. Management also did not consider necessary to produce the said manipulated draft which was presented at Bokaro Steel City branch of the management for encashment and to that effect no satisfaction, no satisfactory explanation is forthcoming. It is seen that the instant case is pending since 1991. Record shows that ample opportunities were given to the management to establish the charges brought against the concerned workman but they instead of doing so dealt with their case very casually. I do not find any reason why they made such abnormal delay. Was if with a view to shield any person?

It is seen that immediatley after detection of the offence management lodged FIR at local P.S. and considering the gravity of the charge investigation started. It is further seen that after completion of the investigation the Investigating Officer submitted chargesheet against the concerned workman. It is further seen that in spite of getting ample opportunity the prosecution failed to establish the charge brought against the concerned workman and as a result of which Ld. Judicial Magistrate, Dhanbad passed judgement and order in G.R. Case No. 1429/78 and acquitted the accused person *i.e.* the concerned workman. Being aggrieved by the said order of acquittal management preferred a Revision before the Hon'ble High Court, Patna, Ranchi Bench which was registered as Criminal Revision of 400/81(R). The said Revision Application also was disposed of by the Hon'ble High Court against the management. There is no impediment on the part of the management to proceed with domestic enquiry against the concerned workman even if a criminal case fails. I do not want to raise any dispute on this issue but it should be looked into with all care and caution to see how far the management in course of domestic enquiry was able to establish the charge brought against the concerned workman. It is clear from the record that in course of hearing on preliminary point full opportunity was given to the management to establish if domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. Order No. 94 dt. 15-11-2002 has clearly exposed that the management have failed to establish the fairness of the enquiry and for which opportunity was given to them to establish charge brought against the concerned workman on merit.

As regards to Charge No. 1 on merit management have failed to adduce any evidence to show that under direct intervention of the concerned workman a Savings Bank Account No. 4547 with initial deposit of Rs. 10/- was opened at Bokaro Steel City Branch of Punjab National Bank in the name of Dilip Kumar Dutta concealing his name as Dilip Kumar Sharma. Management cannot exonerate their responsibilities to establish this allegation as per Charge No. 1 against the concerned workman. There is no reason to consider that as Charge No. 1 has been brought against the concerned workman the same should be considered as sacrosanct for his acceptance to find the concerned workman guilty. As regard charge No. 2 I have already discussed above that the management have failed to establish the allegation of theft of Bank draft against the concerned workman lamentably. Now the question is whether the management have been able to establish that the concerned workman was involved in forging and fabricating one leaf of the draft book for converting it for Rs. 25,000/- forging the signature of the Manager and Accountant of Bisauli branch or not. It has also to be looked into whether in doing so he manipulated the number of the said draft and also used forged rubber stamp of the Bank and other writing etc. to make the draft genuine for its presentation at Bokaro Steel City branch on 5-5-78 through his cousin Dilip Kumar Sharma. In relation to this charge, I have made a detailed discussion already accepting the alleged confessional statement of the concerned workman. Management have failed to produce any cogent evidence to establish that not only the concerned workman was involved in forging and fabricating one of the leaf of the said draft book and converted the same to a value of Rs. 25,000/-. They have also failed to establish that the concerned workman also forged the signature of the Manager and the Accountant and also used forged Rubber Stamp of the Bank in the said draft to make it a genuine. They have also failed to establish that after making draft apparently genuine he handed over the same to his cousin Dilip Kumar Sharma who at his intervention opened an account at Bokaro Steel City Branch in the name of Dilip Kumar Dutta and thereafter said Dilip Kumar Dutta alias Dilip Kumar Sharma presented that draft for its encashment.

Therefore, it is clear that management finished their duties framing charges and holding domestic enquiry against the concerned workman. They had totally forgotten that when they failed to establish the fairness of the said

domestic enquiry burden shifted on their shoulder to establish the charge on merit. The allegations no doubt appears to be very serious but way the management dealt with this case on merit speaks clearly that they were very much casual to establish the charges brought against the concerned workman. I find no hesitation to say considering all materials on record and in view of my discussion above that management have failed to establish the charges brought against the concerned workman lamentably. The concerned workman deserves benefit of doubt. Accordingly when the charge fails the order of dismissal issued against the concerned workman is liable to be set aside. In the result, the following Award is rendered :—

"The action of the management of Punjab National Bank, Jharia Branch, P.O. Jharia Dt. Dhanbad in dismissing Shri Mahendra Prasad Sharma, Daftry is not justified. Consequently, he is entitled to be reinstated to his original post w.e.f. the date of his dismissal. He is also entitled to get 25% back wages and other consequential benefits from the date of his dismissal to the date of reinstatement."

Management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observations made above.

B. BISWAS, Presiding Officer

नई दिल्ली, 29 जून, 2005

का. आ. 2630.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, इंडियन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 411/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-6-2005 को प्राप्त हुआ था।

[सं. एल-12011/227/2003-आई आर (बी-II)]

सी. गंगाधरण, अवर सचिव

New Delhi, the 29th June, 2005

S.O. 2630.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 411/2004) of the Central Government Industrial Tribunal -cum-Labour Court, Chennai as shown in the Annexure in the Industrial Dispute between the management of Indian Bank and their workmen, received by the Central Government on 28-06-2005.

[No. L-12011/227/2003-IR (B-II)]

C. GANGADHARAN, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Wednesday, the 8th December, 2004

Present : K. JAYARAMAN, Presiding Officer

INDUSTRIAL DISPUTE No. 411/2004

(In the matter of the dispute for adjudication under clause (d) of sub-section (I) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Management of Indian Bank and their workmen)

BETWEEN

The General Secretary, Indian Bank Employees Association, Chennai. : I Party/Claimant

AND

The Circle Head, Indian Bank, Circle Office Cuddalore. : IInd Party/Management

APPEARANCE :

For the Claimant : M/s. D. Hariparanthaman, Advocates

For the Management : M/s. King & Partridge, Advocates

AWARD

The Central Government, Ministry of Labour *vide* order No. L-12011/227/2003-IR(B-II) dated 26-08-2004 has referred this industrial dispute to this Tribunal for adjudication. The Schedule mentioned in that order is—

"Whether the action of the management of Indian Bank, Circle Office, Lawrance Road, Cuddalore in proposing reduction of increment during the period under suspension to Shri A. Krishnan, Clerk/Shroff is legal and justified? If not, what relief the workman is entitled for?"

2. After the receipt of the reference, it was taken on file as I.D. No. 411/2004 and notices were issued to both the parties and both the parties entered appearance through their advocates.

3. When the matter was posted for filing Claim Statement of the I Party, the General Secretary of the I Party/Union has filed a memo requesting this Tribunal to permit them to withdraw this dispute. The other side has no objection.

4. Memo is recorded. In view of the memo filed by the I Party, this industrial dispute is dismissed as withdrawn but without any costs.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 8th December, 2004).

K. JAYARAMAN, Presiding Officer

नई दिल्ली, 30 जून, 2005

का. आ. 2631.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. I, नई दिल्ली के पंचाट (संदर्भ संख्या 56/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2005 को प्राप्त हुआ था।

[सं. एल-42012/151/92-आई आर (डी यू)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 30th June, 2005

S.O. 2631.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 56/93) of the Central Government Industrial Tribunal/Labour Court, No. I, New Delhi now as shown in the Annexure in the Industiral Dispute between the employers in relation to the management of CPWD and their workman, which was received by the Central Government on 30-6-2005.

[No. L-42012/151/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, NEW DELHI

SHRI S. S. BAL : Presiding Officer

I. D. No. 56/93

In the matter of dispute between :

Shri Prem Sagar, S/o Shri Deep Chand,
House No. 793, Type-I, NH-4,
Faridabad (Haryana) ....Workman

Versus

The Executive Engineer,
Karnal Central Division,
C.P.W.D., Kothi No. 448,
Thandi Sarak, Subhash Colony,
Karnal (Haryana) ...Management

APPEARANCES :

Shri B. K. Prasad with the Workman
Shri Sanjay Aggarwal for the Management.

AWARD

The Central Government in the Ministry of Labour *vide* its Order No. L-42012/151/92-IR (DU) dated 16-8-93 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of C.P.W.D., Central Division, Karnal in terminating the services of Shri Prem Sagar, Driver w.e.f. 21-3-92 is justified. If not, what relief he is entitled to ?"

2. Briefly stated facts of this case as culled from record are that the claimant workman Shri Prem Sagar claimed in his claim statement that he was engaged as Motor Lorry Driver (herein after referred to as MLD) on 1-4-91 and called as hand receipt workman by the management. He worked upto 20-3-92 continuously and was driving Jeep No. DHD-5287 and the detailed particulars of which month-wise are mentioned in para No. 4 of the claim statement wherein he claims to have worked for 275 days in total during the year 1991 w.e.f. the month of April till December and for 80 days during the year 1992 from the month of January till 20th March, 1992 and thus he claims to have worked for 355 days in all i.e. 275 days during the year 1991 and 80 days during the subsequent year 1992. He further claims that his services were terminated illegally and arbitrarily by the management on 18th July, 91 in violation of the provisions contained in the I.D. Act in pursuance of some illegal instructions of Director General Works CPWD No. 5/3/91-Ex-X dated 18-7-91 He was not given one month notice nor one month notice pay and even compensation, gratuity etc. were not paid to him. It is also averred that many juniors persons were retained by the management in service. It is further claimed/stated that the management arbitrarily changed the designation of the workman from the month of July, 1991 by treating him as contractor for driving a Jeep which is not permissible under any Labour Law and is contradictory to Section 9-A of the I.D. Act, 1947 and he has been paid wages in the minimum of time scale of Rs. 950-1500 with allowances as his counter parts had been getting in the regular/permanent Estt. of the management as per the Judgment of the Hon'ble Supreme Court dated 17-1-86 in the matter of Surinder Singh and others *Vs.* Engineer-in-Chief, CPWD case. It is also stated that on 5-3-92 office of Executive Engineer of the management has taken his signatures of the workman on document written in English on the plea that the services of the workman would be regularised on the basis of documents but some body after signing the document told him that he hand singed on the quotation to drive the Jeep as a contractor on less payment as he had been receiving in the pay scale of Rs. 950-1500 with all allowances increased from time to time. The workman after knowing the facts of the documents withdraw his signatures *vide* its letter dated 6-3-92. The workman is entitled to regularisation in services after completion of six months as the management in violation of the Supreme Court judgment aforesaid terminated the services of the workman instead of regularising him therein. The management tried to change the service conditions of the workman without following the procedure prescribed in Section 9-A of the I.D. Act which is unfair labour practice under Schedule V of the I.D. Act, he claims that the action of the management in terminating his services is illegal and unjustified and he is entitled to reinstatement with full back wages w.e.f. 1992 in the scale of Rs. 750-1500 with consequential relief he be reinstated with full back wages.

3. Management contested the claim by filing written statement raising preliminary objections inter-alia that reference is bad in law as the same has been made mechanically without application of mind and liable to be rejected; that the respondent is not an 'Industry' as defined in I.D. Act, 1947 and reference deserves to be rejected; that the petitioner has suppressed material particulars from the Tribunal and he has not approached the Tribunal with clean hands in as much as he has not disclosed that work assigned to him was on the basis of work order/contract after filing quotation through other persons also petitioner accepted the work with the respondent on contract basis. Further the workman was relieved on 20-3-92 of his free will as he expressed his inability to continue with the respondent. There is neither termination nor discharge or removal from service. As such reference under section 2-A of the I.D. Act is bad in law. There exists no relationship of employer and employee between the parties and as such reference is liable to be rejected.

4. On merits, it is stated that making of reference to this Tribunal is not denied. However, it is stated that during the proceedings before conciliation officer respondent made an offer to the petitioner to work with him on work order/contract basis which he refused to accept. It is not denied that the workman was engaged as and when he was called as on hand receipt by the management. However, it is submitted that he was engaged as Driver on hand receipt basis having no lien or right to the post. It is denied that petitioner continuously worked upto 20-3-92. It is stated that in the month of July, 1991 he was engaged on work order/contract basis to run Jeep after filing up required quotations. Number of days worked by the workman are matter of record and subject to verification. It is pertinent to mention that from 5-2-1992 to 30-4-1992 he was engaged on work order basis after calling the quotations from the eligible persons. However, on 20-3-92 he was relieved of his own will to perform duties. It is denied that the respondent terminated the services by following instructions from Director General Works. It is submitted that the order dated 18-7-91 stated that after instructions from Department dated 19-5-89 some department have been engaging persons on daily rated basis inspite of the absolute ban and it was further stated that to terminate the services of all such workmen engaged on hand receipt basis who have not completed 240 days service in two consecutive years. Even otherwise the said order is not applicable in the present case as the (workman) himself left/abandoned the work assigned to him of his own will. It is further stated that respondent has neither terminated nor removed the petitioner from service. It is also denied the persons junior to petitioner have been retained or engaged by the respondent. The petitioner is still at liberty to come to the respondent for work on work order basis after filing quotations. It is denied that the respondent changed the designation of the petitioner. Petitioner was engaged on work order basis in the month of July, 1991 after filing up quotations including the other persons. The petitioner was paid Rs. 950 plus allowances for the period he worked on hand receipt basis and for rest of the period he was paid the rates quoted by him. The judgment quoted is not applicable in the instant case. It is also denied that the respondent obtained signatusres of the petitioner on some other pretext and petitioner concocted story in order to wriggle out of his own wrongs. It is denied that the respondent tried to change service conditions of the petitioner or indulge in unfair labour practice as alleged but respondent has not terminated the services of the petitioner. On the contrary he himself was relieved of his own free will. The other contents of the claim are misconceived. Petitioner is not entitled to the relief claimed. In reply to prayer it is submitted petitioner is not entitled to any relief, much less the relief of re-instatement with full back wages since there is no termination on the part of the respondent, the petitioner is still at liberty to work with the respondent on work order basis after filling the quotations as he was engaged on that very basis.

5. Written statement was as followed by rejoinder wherein the contents of the claim statement were reiterated and controverted parts/contents of the written statement were denied.

6. Both the parties adduced evidence to support their respective case.

7. Workman examined himself as WW1 while to the management examined Shri M.K. Aggarwal as MW1.

8. After closure of evidence the A/Rs. of both the parties addressed arguments. Mr. Prasad made the following submissions that the workman had worked as daily rated worker by working as Driver on the Jeep of the respondent for more than 240 days in a year preceeding his termination and his services has been illegally terminated in violation of the provisions contained in section 25-F of the I.D. Act and workman is entitled to be reinstated with full back wages as he is still unemployed. He was not gainfully employed after is services were dispensed with and that the claim of the management that the workman worked as contractor on the basis of work order is wrong and the work order allegedly relied by the management is sham and illegal and not tenable and is non-est in the eye of law and that the plea of the abandonment of work by the workman-claimant is false and is not proved and the same has been taken to thwart and withhold genuine claim of the workman. In support his contentions he has referred to the decision reported in Bangalore Water Supply and Sewerage Case *Vs.* Rajappa and others etc. etc. 1978 (1) LLJ 349 and High Court decison reported in Civil Writ Petition No. 823/2003 captioned as the Director of Horticulture Development Division-II PWD Vs. Shri Ram Sham and another. On the contrary Shri Sanjay Aggarwal refuted the above contentions put forward by the Ld. A/R for the management/workman contending that workman was not engaged as daily rated worker as claimed. Rather he was engaged

on the basis of work order as he worked as a contractor on the basis of work order and hand receipt. He was given the contract to drive the Jeep and he himself has left his services, his services were not terminated as claimed and thus there is no question of terminating his services. Moreover, he further contended that the workman abandoned the job himself as is evident from the log book remarks made on 25-3-2002 and that workman is not entitled to the relief claimed.

9. I have given my anxious thought to the contentions raised on both sides.

10. The following questions need determination in this case in order to answer the reference :

1. Whether the claimant-workman was independent contractor to drive Jeep as claimed by the respondent.
2. Whether the claimant was a daily rated worker as claimed.
3. Whether the claimant abandoned the job as claimed by the respondent.
4. Whether this court has jurisdiction to try reference.
5. Whether the reference is bad in law and liable to be quashed ?
6. Relief.

I shall take up first question No. 1 and 2 together for determination as they are interconnected.

11. The respondent has claimed that the claimant was the contractor and he was given assignment of driving Jeep of Assistant Engineer, Karnal, Central Sub Division on contract basis for a year after calling the quotations from other persons including the claimant and he was not a daily rated worker as claimed. Claimant claimed that he was engaged on hand receipt on daily rated basis w.e.f. 1-4-91 as M.L.D. (Motor Lorry Driver) of the Jeep and he worked continuously upto 30-4-92 while the respondent disputed that he (claimant) was engaged on daily rated basis as claimed. According to the respondent he was appointed/engaged on work order as driver on 1-4-91 on hand receipt basis having no lien or right on the post. However, it is denied that he worked continuously upto 20-3-92 and in the month of July, 1991 he was engaged on work order/contract basis to run the jeep after filing up the required quotation. It is again stated that from 5-2-92 to 30-4-92, the claimant was engaged on work order basis after calling quotations from eligible persons and he was relieved of his own will to perform duties on 20-3-92. Respondent has not denied that the claim of the petitioner specifically to the effect that he worked on hand receipt basis from 1-4-91 till June, 91 and thereafter w.e.f. August, 91 till 4th February, 92. The management has placed or record the application of workman Prem Sagar which appears to have been moved or given by the workman in response to the quotation addressed to the Assistant Engineer Karnal Sub Division CPWD wherein it is mentioned that he (claimant) was willing to work as Driver on monthly salary of Rs. 1555 and his application was recommended to be accepted by executive engineer vide order dated 25 May, 1991 and a work order was issued for one year w.e.f. 17-6-91 to 16-6-92 on the basic pay of Rs. 950 plus D.A., H.R.A. as is payable to the permanent employee therefore it is evident that the claimant was engaged/appointed for one year w.e.f. 1-7-91 to 30-6-92 on the work order dated 26-6-91 initially. Thus it appears that the respondent issued another work order dated 5-2-92 for execution another work order issued by the respondent. Work order was issued indicating that the workman was given contract to execute the work w.e.f. 5-2-92 to 30th of April, 92. There is also document placed on record by the respondent purporting to be an agreement between the workman claimant and the respondent to execute and complete the work within period w.e.f. 5-2-92 to 30-4-92 but this agreement has not been signed by the workman and infact it cannot be termed as an agreement. However, according to the management respondent workman has worked upto 20-3-92 when the claimant abandoned work on his own. Thus it is apparent that the workman has worked with the management as Driver of the Jeep w.e.f. 1-4-91 to 20-3-92. He claims to have worked for about 275 days more than 240 days during the year 91 and 80 days during the year 1992 and for 335 days in all continuously w.e.f. 1-4-91 till 20-3-92. However, management claims that he has worked on work order basis while worker claims that he worked as a daily rated worker. This fact has not been denied by the management that the claimant has worked as driver for the period as claimed by the workman i.e. for 335 days as claimed by him. It is also proved from the affidavit of the workman and from the extracts of the attendance register placed on record indicate the attendance of the workman w.e.f. 1-4-91 till 21-1-92, which go to show that workman has infact worked with the management.

12. There is no evidence on record to show that the claimant entered into any contract with the management to run/ply Jeep on contract basis or he agreed to work as contractor. The plea of the management is devoid of any merit. Hence the management has failed to prove this issue.

13. Management claims that the workman abandoned the job of his own will on 20-3-92 and to support it claim management has examined Shri N. K. Aggarwal, Executive Engineer, MW1 who filed affidavit in evidence and produced log book wherein it is written in English that "Prem Sagar Driver on work order basis relieved on his own will Vehicle with key of log book received and self of vehicle is out of order". Signatures of by Prem Sagar in Hindi appears under this entry. Which according to MW1 is signed by one Mr. Mathur but he was unable to say in whose hand writing it is i.e. this writing is. He was unable to say as to who has written the above remarks. Mr. Mathur, who has signed this remark or entry has not been produced or examined by the respondent management to prove the

entry to the effect that the workman himself abandoned the job. The log book containing the above remark has been produced with a view to prove that workman himself abandoned the job but respondent management has failed to prove the entry as mentioned above.

14. The workman has worked with the management for more than 240 days and he was under the control and supervision of the respondent. There existed relationship of employer and employee between the claimant and respondent.

15. In view of the above discussion I am of the view that the claimant worked for 355 days continuously as a driver of the Jeep of the management which is more than 240 days, even if he was engaged on work order basis. Thus he has continuously worked as driver for more then 240 days in a calendar year and that he has not abandoned the work of his own as claimed by the respondent, the consequence of which is that he was not allowed to work and his services were dispensed with on 20-3-92 as claimed by the workman. He was not issued any notice and paid notice pay or compensation as required under the provisions of Section 25-F of the I.D. Act. Hence the action of management in allowing the workman to work as driver amounts to retrenchment. As such he (workman) is entitled to be reinstated in his job. He has claiming full back waged as he has not been gainfully employed. The management has also failed to prove or to place on record any material showing that the workman was employed gainfully during period of unemployment. However a long period of about 13 years has lapsed since his retrenchment. It will serve the ends of justice if he is given 50% of back wages. The claimant Prem Sagar is not the contractor as claimed but he was the driver and plied the jeep of the Executive Engineer Karnal and as such he is the workman and there exist a dispute between the workman/driver and the management. Thus this Tribunal has the jurisdiction to try and determine the dispute and the reference between the workman and the management under law.

16. No material has been placed on record to show that the reference is bad in law or suffers from any legal infirmity, and is liable to be quashed nor this issue has been pressed.

17. In view of the above discussion I am of the opinion that the action of the respondent management CPWD Central Sub Division Karnal in terminating the services of Shri Prem Sagar workman driver w.e.f. 21-3-92 is not justified and he is entitled to be reinstated with 50% of back wages. It is ordered accordingly. Award is passed. File be consigned to record room.

S.S. BAL, Presiding Officer

Dated : 27-6-2005

नई दिल्ली, 1 जुलाई, 2005

का. आ. 2632.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईस्को के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद II के पंचाट (संदर्भ संख्या 6/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2005 को प्राप्त हुआ था।

[सं. एल-20012/142/96-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 1st July, 2005

S.O. 2632.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 6/2002) of the Central Government Industrial Tribunal/Labour Court Dhanbad-II now as shown in the Annexure in the Industiral Dispute between the employers in relation to the management of IISCO and their workman, which was received by the Central Government on 29-6-2005.

[No. L-20012/142/96-IR (C-I)

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT : SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Sec. 10 (1)(d) of the I.D. Act, 1947

Reference No. 6 of 2002

PARTIES :

Employers in relation to the management of Chasnalla Colliery of M/s. IISCO and their workman

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Mr. D.K. Verma, Advocate

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 15th June, 2005

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the followeing dispute to this Tribunal for adjudication vide their Order No. L-20012/142/96-IR (C-I), dated, the 7th February, 2002.

SCHEDULE

"KYA BIHAR COLLIERY KAMGAR UNION KI IISCO CHASNALA COLLIERY PRAVANDH-TANTRA SEY MANG KI SANU DESWALI EVAM SUCHI MEY DIYA GAYA 84 ANYA SLURRY CLEANING MAZDOOR KO NIYAMITA KIYA JAYE UCHIT EVAM NAYASANGAT HAI/ YADI HA, TO UKT KARMKAR KIS RAHAT KEY PATRA HAI TATHA KIS TARIKH SEY ?"

2. In this case neither the concerned workmen nor their representative appeared. Management, however, made appearance through their authorised representative. It transpires from the record that the instant reference is pending since early part of 2002. It further transpires from the record that consecutive notices and show cause notice were issued to the workmen/sponsoring union. As per Rule 10(B) of the I.D. (Central) Rules, 1957 it is mandatory on the part of the concerned workmen/sponsoring union to file Written Statement, list of reliances, documents and list of witnesses etc. before the Tribunal within 15 days from the date of receipt of the order of Reference. The concerned workmen/sponsoring union not only violated the above rules but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workmen/ sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed with the hearing of the case. Under the circumstances, this Tribunal also finds no ground to adjourn the case *suo moto* for causing appearance of the workmen/sponsoring union. Hence, the case is closed and accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 1 जुलाई, 2005

का. आ. 2633.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा.को.को.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय धनबाद-II, के पंचाट (संदर्भ संख्या 17/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2005 को प्राप्त हुआ था।

[सं. एल-20012/336/93-आई आर (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 1st July, 2005

S.O. 2633.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 17/2003) of the Central Government Industrial Tribunal/Labour Court, Dhanbad II now as shown in the Annexure in the Industiral Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 29-06-2005.

[No. L-20012/336/93-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD.

PRESENT

SHRI B. BISWAS, Presiding Officer.

In the matter of an Industrial Dispute under Sec. 10(1)(d) of the I.D. Act., 1947,

REFERENCE NO. 17 OF 2003

PARTIES : Employers in relation to the management of Sijua Area of M/s. BCCL and their workman.

APPEARANCES :

On behalf of the workmen : None

On behalf of the employers : Mr. D.K. Verma, Advocate.

State : Jharkhand Industry : Coal.

Dated, Dhanbad, the 15th June, 2005.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/ 336/93-IR (C-I), dated, the 24th January, 2003.

SCHEDULE

"Whether the demand of the Rashtriya Mazdoor Sangh from the management of BCCL, Sijua Area that the date of birth of Sh. Kirtan Swai, workman, may be corrected as 07-08-1945 in his service records, is justified ? If yes, to what relief is the workman entitled ?"

2. Neither the concerned workmen nor his respresentative appeared before this Tribunal. Management, however, made appearance through their authorised representative. It transpires from the record that the instant reference case is pending since early part of 2003. It further reveals from the record that consecutive notices and show cause notice were issued to the workmen/sponsoring union. As per Rule 10(B) of the I.D. (Central) Rules, 1957 it is mandatory on the part of the concerned workmen/sponsoring union to file Written Statement, list of reliances, documents and list of witnesses before the Tribunal within 15 days from the date of receipt of the order of Reference. The concerned workmen/sponsoring union not only violated the above rules but also did not consider necessary to respond to the notices issued by this Tribunal. Gesture of the workmen/sponsoring union if is taken into consideration will expose clearly that they are not interested to proceed

with the hearing of the case. Under the circumstances, this Tribunal also finds no ground to adjourn the case *suo moto* for causing appearance of the workmen/ sponsoring union. Hence, the case is closed and accordingly a 'No dispute' Award is passed in this reference presuming non-existence of any industrial dispute between the parties.

B. BISWAS, Presiding Officer

नई दिल्ली, 1 जुलाई, 2005

का. आ. 2634.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II के पंचाट (संदर्भ संख्या 112/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2005 को प्राप्त हुआ था।

[सं. एल-20012/210/98-आई आर (सी-I)]

एस.एस. गुप्ता, अवर सचिव

New Delhi, the 1st July, 2005

S.O. 2634.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 112/99) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 29-06-2005.

[No. L-20012/210/98-IR (C-I)]

S.S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT

SHRI B. BISWAS, Presiding Officer

In the matter of an Industrial Dispute under Sec. 10(1)(d) of the I.D. Act, 1947,

REFERENCE NO. 112 OF 1999

PARTIES: Employers in relation to the management of Kathara Colliery of M/s. CCL and their workman.

Appearances:

On behalf of the workmen	: Mr. D. Mukherjee, Ld. Advocate
On behalf of the employers	: Mr. D.K. Verma, Ld. Advocate
State : Jharkhand	Industry : Coal.

Dated, Dhanbad, the 14th June, 2005.

AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/ 210/98-IR (C-I), dated, the 29th January, 1999.

SCHEDULE

"Whether the action of the management of Kathara Colliery, M/s. CCL, PO-Kathara, Distt : Bokaro in not making payment of I.O.D. allowances to Shri Mahabir Mahto, Fitter, Gr. II is justified ? If not, what relief is the concerned workman is entitled to?"

2. The case of the concerned workman according to written statement submitted by the sponsoring union in brief is as follows :

The sponsoring union submitted that the concerned workman was Fitter Grade II at Kathara Colliery. They disclosed that on 7-8-94 this workman while was on duty at Kathara Excavation workship received an injury in his left leg (ankle). After that accident he was placed under the treatment of Colliery Doctor and other specialised Doctor and for which he could not perform his duty from 7-8-94 to 6-4-95. Accordingly, he is entitled for payment of I.O.D. allowance for the period from 7-8-94 to 6-4-95. They submitted that over this claim not only the concerned workman but also the union submitted representation to the management but the management did not consider necessary to give any importance to the same and for which an Industrial Dispute was raised for conciliation which ultimately resulted reference to this Tribunal for adjudication.

Accordingly they submitted prayer to pass award directing the management to pay I.O.D. allowance to the concerned workman for the period in question.

3. Management on the contrary after filling written statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the written statement submitted on behalf of the concerned workman.

They submitted that as per clause 9:2:0 to 9:2:7 of N.C.W.A.-V a workman is entitled to get full wages consisting of basic and dearness allowance from the date of accident till he is declared medically fit by the Company's Medical Officer if he is disabled due to accident arising out of and during the course of his employment. He should remain under treatment of Company's Medical Officer or in a Hospital approved by the Company for entitlement of the aforesaid benefit. They submitted that concerned workman was suffering from "Calfatoalpilatually" and remained under treatment as outdoor patient at Kathara Colliery Hospital and thereafter was referred to Kargali Hospital on 11-8-94 and remained under treatment upto 22-8-94. He was also examined by

Dr. B. Mukhopadhayay, F.R.C.S. at Patna for his check-up. They submitted that concerned workman did not report to the management that he received injury as a result of any accident on 7-8-94. However, he submitted a report dt. 12-10-94 describing the same as IOD report to the Project Officer, Kathara Colliery in the said letter he mentioned that while he was on general shift duty on 7-8-94 at base workshop, Kathara Colliery he got an injury at his left hill at about 11 a.m. and was admitted in the hospital on that date and from that date till the date of application, he was remaining absent from duty due to the said accident and demanded payment of wages as I.O.D. case.

They submitted that as per the provisions of Mines Act, it is necessary to bring to the notice of the manager every accident occurring in the colliery arising out of and in course of employment. They alleged that the concerned workman did not inform the manager about his accident immediately thereafter. Accordingly, the letter dt. 12-10-94 which was given by the concerned workman could not be accepted by the management and the matter was referred to the Safety Officer for investigation. They submitted that the concerned workman did not turn up for any investigation and he reported to the Medical Superintendent of Kathara Colliery on 18-1-95 who examined the medical treatment papers and the investigation report of Dr. B. Mukhopadhayay, F.R.C.S. and gave his opinion that the concerned workman was suffering from "calfatoalpilatually". He also mentioned that the concerned workman informed him about receipt of an injury while he was on duty. However, the concerned workman was declared medically fit and he resumed his duty w.e.f. 7-4-95.

They submitted that the claim of the concerned workman for payment of wages from 7-8-94 to 6-4-95 was not accepted as he failed to give any evidence that he received injury while on duty on 7-8-94. He also failed to give any satisfactory explanation for not reporting this fact immediately to the manager after his acciedent. The concerned workman taking false pretext as claimed I.O.D. for the period in question and for which he is not entitled to get any relief.

4. **POINTS TO BE DECIDED**

"Whether the action of the management of Kathara Colliery, M/s CCL, PP-Kathara Distt: Bokaro in not making payment of I.O.D. allowances to Shri Mahabir Mahto, Fitter, Gr. II is justified. If not, what relief the concerned workman is entitled to ?

5. **Finding with reasons**

It transpires from the record that the sponsoring union with a view to substranstiate their claim examined the concerned workman as W.W.I. Management also in support of their claim examined one witness as M.W.I.

Considering evidence of W.W. I it reveals that on 7-8-94 while he was on general shift duty at Kathara Colliery workshop he met an accident and as a result he sustained fracture injury in his left leg and vein also was ruptured. He disclosed that immediately after the said accident he was admitted at Colliery hospital at Kathara for his treatment. He disclosed that for his treatment he had to stay in the said hospital for two months as indoor patient and thereafter the said hospital authority referred him to Gandhi Nagar hospital of C.C.L. at Ranchi for his further treatment. There he remained under treatment as indoor patient till 5-4-95. On 6-4-95 he was discharged from the said hospital with fit certificate and on the basis of fit certificate he was allowed to resume his duty. He further disclosed that after the said accident his section-in-charge reported that accident to higher authority. It is the contention of the concerned workman that after resuming his duty he submitted representation to the management for granting I.O.D. during the period of his absence in connection with treatment for the injury sustained by him as a result of the said accident.

Management admitting the fact of claiming I.O.D. as per clause laid down in 9:2:0 to 9:2:7 of NCWA-V submitted that a workman is entitled to get full wages consisting of basic and dearness allowances from the date of accident till he declared fit by the Company's Medical Officer if he is incapable to work due to accident arising out of and during the course of his duty. Moreover, he should remain under treatment of the Company's Medical Officer or in a hospital apoproved by the Company for his entitlement of the said benefit.

The main allegation of the management is that the concerned workman did not give any information to the management about his alleged accident took place on 7-8-94 immediately after its occurrence. On the contrary he reported to the management on 12-10-94 about that accident and claimed I.O.D. They disclosed that actually he was suffering from "calfaopalpilatually" and remained under tratment as outdoor patient in the hospital of Kathara Colliery and thereafter he was referred to Kargali Hospital on 11-8-94 where he remained under treatment. They further disclosed that as per provision of Mines Act, it is necessary to bring to the notice of the Manager, every accident occurring in the colliery arising out of and in course of duty of any workman. The specific allegation of the management is that before 12-10-94 the news relating to the accident of the concerned workman was not communicated to them which the concerned workman denied. It is his contention that Section-in-charge of the workshop has duly intimated that accident to the higher authority not only but also he was removed to Kathara hospital of the colliery immediately after that accident. He disclosed that as a result of the said accident he sustained fracture injury to his left leg. As indoor patient he was under treatment there for two months and thereafter for his further treatment he was removed to Gandhinagar hospital at Ranchi as indoor patient for his further treatment.

In spite of claiming so M.W.I. during his evidence disclosed that there is no report in the custody of the management to the effect that on 7-8-94 the concerned workman sustained injury to his person while he was on duty. The witness further disclosed that even subsequently he also did not consider necessary to give any intimation to the management about injury sustained by him as a result of an accident while he was on duty on 7-8-94.

The concerned workman in support of his claim relied on the injury report of the concerned workman prepared by the Sectional Head of Kathara Colliery which was marked as Ext. W-2 in course of hearing. This injury has exposed clearly on which date and how the said accident took place. It has been further exposed that copy of the said injury report was forwarded to the Supdt. of Mines Medical Officer, Kathara Colliery and Safety Officer Kathara Colliery. This injury raport was prepared by an official of the management. Therefore, onus is on the management to establish that said report is fake one and manufactured. In spite of getting ample opportunity management have failed to establish that this injury report prepared under signature of the Sectional Head is a manufactured one. On the contrary medical paper dt. 11-8-94 marked as Ext. W-7/6 speaks clearly that the concerned workman was under treatment at Kathara Hospital for sustaining injury to his person. The medical paper marked as Ext. W-7/4 shows clearly that the concerned workman was referred to Gandhinagar hospital at Ranchi for his further treatment and as indoor patient he was there from 9-12-94 to 6-2-95. If this discharge certificate is taken into consideration it will expose clearly that for his sustaining injury in his left leg he had to remain under treatment being indoor patient for a long period not only but also it has been exposed that after his discharge from the hospital clear direction was given not to allot any duty till 15-3-95 and also advised physiotherapy. Concerned workman in course of hearing produced a bunch of medical papers marked as Exht. W-7 series which will expose clearly that for sustaining left leg injury as a result of accident he had to remain on treatment for a prolong period and was incapable to perform his duty. The injury report prepared by Sectional Head (Exht. W-2) the copies of which were forwarded to different authority will clearly support the claim of the concerned workman. From the letter dt. 29/30-11-94 issued by Project Officer, Kathara Colliery Exht. W-3 addressed to the Dy. CME, Kathara Colliery it has been exposed very clearly that the concerned workman while on duty engaged in checking engine of D/2260 a rubber mount rolled from somewhere hit his left leg (ankle). The Project Officer opined that since the injury report is genuine request was made on his part to do the needful action in that regard. No evidence is forthcoming to show that this report of the Project Officer is false and manufactured for the alleged fake claim of the concerned workman.

It is the claim of the management that the concerned workman was suffering from "calfatoal pilatually" and remained under treatment as outdoor patient at Kargali hospital up to 22-3-95. In support of this claim management have failed to produce a single scrap of medical paper. On the contrary concerned workman in support of his claim has produced a bunch of medical papers including medical papers marked as Exht. W-7/4 and W-7/7 which will expose clearly the seriousness of injury sustained by him as a result of the accident. It has been further exposed that his treatment was done being an indoor patient not outdoor patient. Therefore, the claim made by the management relating to treatment of the concerned workman as outdoor patient appears to be baseless and it has so been made to exonerate their liability to pay allowances of IOD as provided in clause 9:2:0 to 9:2:7 of NCWA-V.

It has been admitted by the management in para 9 of their written statement the concerned workman resumed his duty with effect from 7-4-95 after he was declared medically fit. Considering my discussion above is clear that the concerned workman was under treatment from 7-8-94 to 7-4-95 for the injury sustained by him as a result of an accident while he was in general shift duty.

In view of my discussion above I find no dispute to hold that after his said accident Sectional Head prepared injury report sustained by the concerned workman and forwarded the same to the competent authority (Exht. W/2). The Project Officer also made inquiry over the accident in question and injury sustained by the concerned workman and to that effect he also submitted his report to the Dy. CME Exht.-W/3. It further transpires that claiming IOD the concerned workman also submitted representation addressed to the Chief General Manager (KTA) but neither they considered the facts nor they informed him the ground for non-payment of I.O.D. as per provision of NCWA.

Considering all aspects carefully I find sufficient reason to hold that the concerned workman by adducing cogent evidence has substantiated his claim properly but due to arbitrary action taken by the management he was deprived of getting his relief which I consider was not just and proper in accordance with the principle of natural justice.

In the result the following award is rendered :

That the action of the management of Kathara Colliery, M/s CCL, PO-Kathara, Distt : Bokaro in not making payment of I.O.D. allowances to Shri Mahabir Mahto, Fitter Gr. II is not justified.

Management accordingly is directed to pay I.O.D. allowances to Mahabir Mahto for the period from 7-8-94 to 6-4-95 within three months from the date of publication of the award in the Gazette of India.

B. BISWAS, Presiding Officer

नई दिल्ली, 1 जुलाई, 2005

का. आ. 2635.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. सी. एल. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद-II, के पंचाट (संदर्भ संख्या 140/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2005 को प्राप्त हुआ था।

[सं. एल-20012/260/2000-आई. आर. (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 1st July, 2005

S.O. 2635.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 140/2000) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of CCL and their workmen, which was received by the Central Government on 29-6-2005.

[No. L-20012/260/2000-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2) AT DHANBAD

PRESENT :

Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

REFERENCE No. 140 of 2000

PARTIES : Employers in relation to the management of M/s. C.C.L. and their workman.

APPEARANCES :

On behalf of the workman : None

On behalf of the employers : Mr. D.K. Verma, Advocate.

State : Jharkhand. Industry : Coal.

Dhanbad, the 14th June, 2005

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication *vide* their Order No. L-20012/260/2000-IR (C-I), dated the 25th October, 2000 :—

SCHEDULE

"Whether the action of the management of Giridih Colliery of M/s. CCL in denying pay protection and arrears on that account to Shri Dewan Hansda, Tuplal Das and Prabhu Kumar consequent upon their regularisation in time rate is justified ? If not, to what relief are the concerned workman entitled ?"

2. The case of the concerned workman according to Written Statement submitted by the sponsoring union on their behalf in brief is as follows :—

The sponsoring union submitted that the concerned workmen were employed as piece rated workers by the management at Open Cast Mine, Giridih under CCL. They submitted that thereafter management converted their status as time rated workers in place of piece rated workers and in the capacity of T.R. workers they were regularised in Cat. I vide Office Order No. D.C.M. E/G/84/7919 dt.10-11-1984. It has been disclosed by them that on conversion the concerned workmen did not claim for fixation of their wages as they were in the impression that rule of pay protection shall prevail and they will not be paid less than what they were being paid before conversion. They alleged that after drawing their first wages as T.R. workers they realised that their wages were not fixed according to norms of pay protection. Accordingly, they sumbitted representation to the management with prayer for fixation of their wages as Time rated workers after giving due pay protection but the management did not care to give any importance to that claim and for which thery were compelled to raise Industrial Dispute before ALC(C) for conciliation which ultimately resulted reference to this Tribunal for adjudication.

Accordingly the sponsoring Union submitted prayer to pass award directing the management to issue order of pay protection in favour of the concerned workmen from the date of their conversion as Time rated workers along with other consequential relieves.

3. Management on the contrary after filing Written Statement-cum-Rejoinder have denied all the claims and allegations which the sponsoring Union asserted in the Written Statement submitted on behalf of the concerned workmen. They disclosed that the concerned workmen were initially appointed as piece rated workers. They disclosed that as per classification of job a piece rated worker comes under Group-I while time rated workers comes under Category-I and they are paid wages according to nature of job performed by them. They submitted that wages of piece rated workers are not fixed, rather it depends on the quantum and nature of work done by them. Moreover, there is no promotional avenue for the piece rated worker and for which most of the piece rated workers prefers to opt the job of time rated workers. They submitted that the concerned workmen requested the management to convert them as time rated workers and accordingly exercised options to that effect. They disclosed that in view of options exercised by the concerned workmen they were engaged in time rated job and also paid wages as per the category in which they were deployed and subsequently they were regularised. They submitted that the concerned workmen exercised option to work as time rated workers without claiming any pay protection and also they made no protest against their regularisation and never raised any grievances thereafter. In view of the facts and circumstances stated above management submitted that the claim of the sponsoring union finds no basis and for which they are not entitled to get any relief in view of their prayer.

4. **POINTS TO BE DECIDED**

"Whether the action of the management of Giridih Colliery of M/s. CCL in denying pay protection and arrears on that account to Shri Dewan Hansda, Tuplal Das and Prabhu Kumar consequent upon their regularisation in time rate is justified ? If not, to what relief are the concerned workman entitled ?"

5. **FINDING WITH REASONS**

It transpires from the record that the instant case was fixed for exparte hearing as the sponsoring union in spite of getting sufficient opportunity failed to take further steps. Practically they have finished their job just after filing Written Statement. During exparte hearing the management examined one witness as MW-1 with a view to substantiate their claim.

Considering the facts disclosed in the pleadings of both sides, evidence of MW-1 and also considering material documents there is no dispute to hold that initially the concerned workmen were employed by the management as piece rated workers. There is also no dispute to hold that subsequently they were converted to time rated workers. It is the contention of the sponsoring union as per facts ventilated in their Written Statement that these workmen were converted to time rated workers for the need of the management. It is their further allegation that management refused to give pay protection when these workmen were converted to time rated workers. They disclosed that like that of the self same issue over claim of pay protection of some other workmen they raised an Industrial Dispute before ALC(C) and during pendency of hearing of the conciliation proceeding a Tripartite settlement was entered into wherein the management agreed to give pay protection to those workers. They submitted that management in due course implemented that settlement. It is the contention of the sponsoring union as per facts disclosed in the Written Statement that as the claim of the concerned workmen stands on the same footing they are also entitled to get pay protection but management arbitrarily and illegally denied to accept that claim.

On the contrary it has been submitted by the management that piece rated workers are placed in Group I or so and the primary condition of their work is that they will get wages as per quantum of work to be done by them. On the contrary the wages of time rated workers are fixed as per Category I or so and the wages in Cat. I is fixed. They further submitted that there is no promotional avenue for the piece rated workers while the same is prevailing in case of time rated workers. They disclosed that considering such situation the concerned workmen exercised option for their conversion to time rated worker in place of piece rated workers and in exercising such option they did not demand for pay protection. Accordingly, their options were considered and they were converted to time rated workers and subsequently they were regularised in their respective category.

MW-1 during his evidence further disclosed that there was no fixed wages for the piece rated workers. However, they draw minimum rate as per wages of Cat. I. This witness also mentioned that minimum quantity of work has been fixed which a piece rated worker is liable to perform for getting that wages. If any piece rated worker works 50% of the required work to be done by him in that case he will be entitled to get wages on pro rata basis. This witness categorically disclosed that on the basis of option given by the concerned workmen they were converted to time rated workers wages had been fixed as per Cat. I. In support of this claim management relied on office orders marked as Ext. M-1 to M-1/2. It is further contention of the management that after conversion of time rated workers as the promotional channel opened the concerned workmen subsequently have got their promotion in Cat. II and onwards and they are drawing wages more than the wages which they used to draw as piece rated workers. In support of this claim they relied on the office orders marked as Ext. M-2 to M-2/2. Considering these office orders, I find support in the claim of the management. It has been further submitted by the management that as a result of their conversion as time rated workers the concerned workmen did not face any loss of their wages.

Question of pay protection comes in if it is seen that they sustained loss in wages in the new category after their conversion from old category. It is specific contention of the management that there was no difference of wages of Group I workers and Cat. I workers at their initial stage and for which question of giving pay protection after conversion of time rated workers never arose. Moreover, they were converted to time rated workers in Cat. I only after options given by them. Therefore, in view of submission made by the management the sponsoring Union cannot avoid their responsibility to show that the concerned workmen were converted as time rated workers against their will and without taking any option from them. They also are liable to show that as a result of such conversion the minimum wages fixed as per Cat. I was less than the minimum wages fixed in Group-I. There was no obligation on the part of the concerned workman to work as time rated worker. They had the scope to be reverted back to piece rated workers but they did not do so. On the contrary it transpires that after conversion the avenue of promotion was opened and time to time they have get their promotion to higher grade.

It is to be taken into consideration that facts disclosed in the Written Statement cannot be considered as substantive piece of evidence until and unless the same is substantiated by cogent evidence. It is specific allegation of the sponsoring Union that management illegally and arbitrarily refused to give pay protection to the wages of the concerned workmen when they were converted to time rated workers. Therefore, onus absolutely rest on them to substantiate such claim. I find no hesitation to say that in spite of getting ample opportunity the sponsoring union did not care to justify their claim. In the circumstances just relying on the facts disclosed in the Written Statement there is little scope to uphold their contention and for which there is no scope to say that their claim stands on cogent footing.

In the result, the following Award is rendered :—

"That the action of the management of Giridih Colliery of M/s. CCL in denying pay protection and arrears on that account to Shri Dewan Hansda, Tuplal Das and Prabhu Kumar consequent upon their regularisation in time rate is justified ? Consequently, the concerned workman are not entitled to get any relief ?"

B. BISWAS, Presiding Officer

नई दिल्ली, 1 जुलाई, 2005

का. आ. 2636.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भा. को. को. लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, धनबाद II के पंचाट (संदर्भ संख्या 58/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 29-6-2005 को प्राप्त हुआ था।

[सं. एल-20012/12/2003-आई आर (सी-I)]

एस. एस. गुप्ता, अवर सचिव

New Delhi, the 1st July, 2005

S.O. **2636.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 58/2003) of the Central Government Industrial Tribunal/Labour Court, Dhanbad-II now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of BCCL and their workman, which was received by the Central Government on 29-6-2005.

[No. L-20012/12/2003-IR (C-I)]

S. S. GUPTA, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Present : Shri B. Biswas, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 58 of 2003

Parties : Employers in relation to the management of Joyrampur Colliery of M/s. B.C.C.L. and their workman.

Appearances:

On behalf of the workman : Mr. Ram Ratan Ram, Advocate.

On behalf of the employers : Mr. D.K. Verma, Advocate.

State : Jharkhand. Industry : Coal.

Dated, Dhanbad, the 15th June, 2005

AWARD

The Govt. of India , Ministry of Labour, in exercise of the powers conferred on them under Section 10 (1) (d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/12/2003-IR (C-I), dated the 3rd July, 2003.

SCHEDULE

"Whether the action of the management of Joyrampur Colliery of M/s. BCCL in dismissing Sri Sheo Charan Bhuiya from service w.e.f. 25-12-2000 is justified ? If not, to what relief is the workman entitled ?"

2. Case of the concerned workman according to Written Statement submitted by the sponsoring union on his behalf in brief is as follows :—

The sponsoring union submitted that the concerned workmen was a permanent workman at Joyrampur Colliery under Lodna Area of the management. They submitted that due to serious illness the concerned workman started remaining himself absent from duty w.e.f. 29-12-98. They disclosed that as the concerned workman was an illiterate person and as he was not aware of the norms of the company he could not inform the ground of his absence to the management in writing. However, after recovery from his illness the said workman came to his place of work with a view to resume his duties but instead of allowing him to resume duty management served him a chargesheet No. BCCL/A/504/08/98/736 dt. 16-4-99. They alleged that thereafter management dismissed the concerned workmen from service vide letter dt. 25-12-2000 without assigning cogent reason. They alleged that the management illegally, arbitrarily and violating the principle of natural justice dismissed him from service and for which he raised an Industrial dispute through his sponsoring union for conciliation which ultimately resulted reference to this Tribunal for adjudication. The sponsoring union accordingly submitted prayer to pass award directing the management to reinstate the concerned workman to his service from the date of his dismissal with full back wages and other consequential relief.

3. Management on the contrary after filing Written Statement-cum-rejoinder have denied all the claims and allegations which the sponsoring union asserted in the Written Statement submitted on behalf of the concerned workman.

They submitted that the concerned workman was a badli Miner/Loader at Joyrampur Colliery. They alleged that the said workman was a habitual absentee and from the past record it is evident that in the years 1997, 1998 and 1999 he worked for 118 days, 114 days and 80 days respectively. They disclosed that in the year 2000 the concerned workman started himself absenting from duty w.e.f. 30-5-2000 without information and permission from the management. Accordingly management issued a chargesheet bearing No. 722 dt. 7-8-2000 to the concerned workman for committing misconduct on the ground of absentism. Since the concerned workman did not submit any reply to the chargesheet, management started domestic enquiry against him through Mr. A.K. Jain, Sr. Personnel

Officer of Joyrampur Colliery as Enquiry Officer. They submitted that after taking charge of domestic enquiry the Enquiry Officer issued several notices to the concerned workman and sent the same at his home address by Regd. Post. But the same were returned back with the comment of the Postal Peon "Not found". Accordingly the said Enquiry Officer started domestic enquiry against the concerned workman ex parte and after completion of the enquiry proceedings submitted his report holding him guilty to the charges brought against him. On the basis of that report and also considering his past record the Disciplinary Authority dismissed the concerned workman from his services. They submitted that the Disciplinary Authority did not commit any illegality in dismissing the concerned workman from his service, and for which he is not entitled to get any relief in view of his prayer.

4. POINTS TO BE DECIDED

> "Whether the action of the management of Joyrampur Colliery of M/s. BCCL in dismissing Sri Sheo Charan Bhuiya from service w.e.f. 25-12-2000 is justified ? If not, to what relief is the workman entitled ?"

5. FINDING WITH REASONS

It transpires from the record that before taking up of hearing on merit it was taken into consideration if the domestic enquiry held against the concerned workman was fair, proper and in accordance with the principle of natural justice. Said issue on preliminary point was disposed of in favour of the management vide Order No. 7 dt. 19-1-2005.

Now the point for consideration is whether the management have been able to substantiate the charge brought against the concerned workman, if so, whether concerned workman is entitled to get any relief reviewing his order of punishment under Section 11A of the Industrial Disputes Act, 1947 ?

In course of hearing the chargesheet which was issued to the concerned workman was marked as Ext. M-1/1. The chargesheet speaks as follows :—

> "It appears from the record that you are absenting from your duty since 30-5-2000 to till date without information/permission to the competent authority.
>
> The above act of yours amount to misconduct in terms of the following clauses of certified standing order of BCCL applicable to the establishment of Joyrampur colliery and by which your services are also governed as under :—
>
> Clause 26.1.1:—habitual late attendance........without sufficient cause.
>
> You are required to submit your written explanation to the undersigned within 48 hours of the receipt of this memo of chargesheet as to why disciplinary action should not be taken against you.
>
> Sd/-Illegible
>
> Manager/Agent.
>
> Joyrampur Colliery.
>
> Distrbu :—
>
> 1. Att. Clerk/Bill Clerk
>
> PM/Concerned pit-ACM/File."

It is admitted that the concerned workman received the chargesheet issued to him. It is also clear that in spite of receiving the said chargesheet the concerned workman did not submit any reply to the same and for which the Disciplinary Authority decided to hold domestic enquiry against him and accordingly appointed Mr. A. K. Jain, Senior Personnel Officer as Enquiry Officer to conduct domestic enquiry against him. In course of domestic enquiry the concerned workman did not turn up and for which the hearing was taken up ex parte. After completion of the said enquiry the Enquiry Officer submitted his report to the Disciplinary Authority holding the concerned workman guilty to the charge. It has been admitted by the sponsoring union that the concerned workman started remaining himself absent from duty w.e.f. 25-5-2000. It has been further admitted by the sponsoring union in their Written Statement that as the concerned workman was in illiterate person and as he was not well aware about norms of the company he could not inform the management in writing about the reasons of his absence. They disclosed that actually the concerned workman fell ill seriously and for which he remained under treatment of a Vaidya for a long period. During hearing the representative of the concerned workman has failed to produce a single scrap of paper to show that the concerned workman was lying seriously ill and remained under treatment of a Vaidya. Until and unless this fact is established there is no scope to accept such plea taken by the sponsoring union. On the contrary specific allegation of the management is that the concerned workman started remaining himself absent from duty w.e.f. 25-5-2000 without giving any information or having any prior permission from the management. As his such unauthorised absence amounted to misconduct as per clause 26-1-1 of the Certified Standing Order they issued chargesheet to the concerned workman on 7-8-2000. It is clear that upto 7-8-2000 the concerned workman remained himself absent without taking permission or without giving information to the management. The concerned workman received the said chargesheet but did not consider necessary to submit his reply. Even he did not consider necessary to defend his case while domestic enquiry was started against him by order of the Disciplinary Authority. As per clause 26.1.1 of the Certified Standing Order Habitual late attendance or wilful or habitual absence from duty without sufficient cause amounts to misconduct. In course of hearing onus was on the sponsoring union to establish that his absence from duty without taking permission or giving information to the management was not wilful on his part. I find no hesitation to say that inspite of getting opportunity the sponsoring union did not consider necessary to establish such fact. Accordingly on careful consideration of the materials on record I hold that the conduct of the concerned workman amounts to misconduct and that comes within the ambit of clause 26.1.1 of the Certified Standing Order, I, therefore, hold that the management has been able to substantiate the charge brought against the concerned workman.

It is seen that considering the report of the enquiry officer and considering all other material aspects the Disciplinary Authority decided to dismiss the concerned workman from his service and accordingly issued order of dismissal dt. 25-12-2000. Now the point for consideration is whether the concerned workman is entitled to get any relief U/s. 11A of the I.D. Act, 1947. Section 11A of the I.D. Acts speaks as follows :—

"Where an industrial dispute relating to the discharge of dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, by its award, set aside the order of discharge or dismissal and direct reinstatement of the workman on such terms and conditions, if any, as it thinks fit or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require."

Therefore, according to this provision it has to be looked into if the order of dismissal passed against the concerned workman was justified and also proportionate to the misconduct committed by the concerned workman. It is seen that the concerned workman started remaining himself absent from duty with effect from 30-5-2000 without giving any information or taking permission from the management. The chargesheet was issued on 7-8-2000. During hearing the representative of the management submitted that the concerned workman was habitual absentee and in support of the claim he relied on the enquiry report submitted by the Enquiry Officer. From the enquiry report it transpires that during the years 1997, 1998 and 1999 the concerned workman worked for 118 days, 114 days and 80 days respectively. Disclosing this fact the representative of the management submitted that it will expose clearly that the concerned workman was a habitual absentee and for which there was no scope to review the order of dismissal passed against him by the Disciplinary Authority U/S. 11A of the I.D. Act, 1947. Before taking into consideration of this fact disclosed in the chargesheet, the same is required to be looked into. In the chargesheet it was not mentioned that the concerned workman was an habitual absentee. No evidence is forthcoming on the part of the management what steps they took against the concerned workman for his habitual absence from duty during the years 1997, 1998 and 1999. Accordingly as the chargesheet is silent on this point the management is debarred from taking such plea that the concerned workman was a habitual absentee from his duty without giving information and also taking prior permission from the management. We have to confine ourselves within the periphery of the chargesheet. Accordingly we have to look into the facts if the misconduct committed by the concerned workman for his remaining absent from duty with effect from 30-5-2000 attracts major penalty or not. It is seen from the chargesheet that 48 hours time was given to the concerned workman to submit his reply. It is clear that complying the provision as laid down in clause 27.1 of the certified Standing Order 48 hours time was given to the concerned workman to submit his reply as in the eye of the management misconduct committed by the concerned workman deserved minor penalty. Clause 29.1 of the Certified Standing Order has clearly pointed out that as minor penalty the management is at liberty to Censure the services of the concerned workman or impose find in accordance with P.W. Act, 1936 and or they can issue suspension order without wages as substantive punishment for not more than ten days at a time. Therefore, within the periphery of the minor penalty there is no scope to issue order of dismissal. Order of dismissal can be passed complying the provision as laid down under clause 29(1)(ii) of the Certified Standing Order if it is proved that the misconduct committed by the concerned workman was so serious that he deserved major penalties. Therefore, onus rests on the management to establish what occasion arose to dismiss the concerned workman from service particularly when opportunity was given to the concerned workman to submit his reply to the chargesheet within 48 hours as per provision laid down under clause 27.1 of the Certified Standing Order. No doubt, management considered the past conduct of the concerned workman in dismissing him from service. Consideration of such fact I say was illegal, arbitrary and also it violated the principle of natural justice particularly when such fact was not referred to in the chargesheet. It was the responsibility of the enquiry officer proceed with the hearing of the enquiry proceeding as per contents of the chargesheet. Instead of doing so the enquiry officer exceeded his limit and also considered the past conduct of the concerned workman relating to his absence from duty during the period 1997, 1998 and 1999. The Disciplinary Authority also relying on the observation of the enquiry Officer in that regard decided to dismiss the concerned workman from his service without considering all aspects. It is well exposed that the Disciplinary Authority did not apply their mind properly in arriving to the decision why the concerned workman should be dismissed from service. I consider that if the workman is dismissed from service only for his absence from duty for a period of 3 months or so it will be amounted to gross miscarriage of justice. I, therefore, hold that the order of dismissal issued to the concerned workman was neither justified nor proportionate to the misconduct committed by him. Accordingly the order of punishment passed against the concerned workman is reviewed under Section 11A of the I.D. Act, 1947 and I hold that the said order of dismissal is liable to be set aside. In the result, the following award is rendered :—

"The action of management of Joyrampur Colliery of M/s. BCCL in dismissing Sri Sheo Charan Bhuiya from service w.e.f. 25-12-2000 is not justified. Consequently, the concerned workman is entitled to get his reinstatement in service without any back wages."

The management is directed to implement the Award within three months from the date of its publication in the Gazette of India in the light of the observation made above.

B. BISWAS, Presiding Officer

नई दिल्ली, 1 जुलाई, 2005

का. आ. 2637.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एच.डी.एफ.सी. बैंक लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट (संदर्भ संख्या आई.डी. 208/2002) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-6-2005 को प्राप्त हुआ था।

[सं. एल-12014/6/2005-आई आर (बी-I)]
अजय कुमार, डैस्क अधिकारी

New Delhi, the 1st July, 2005

S.O. 2637.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (I.D. No. 208/2002) of the Central Government Industrial Tribunal/ Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of H.D.F.C. Bank Ltd. and their workman, which was received by the Central Government on 30-6-2005.

[No. L-12014/6/2001-IR (B-I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL-TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD

Present:

Shri E. ISMAIL, B.Sc. LL.B., Presiding Officer

Dated the 18th day of September, 2003

Industrial Dispute No. L.C.I.D. 208/2002

Between :

Sri B. Raju,
S/o B. Narsimha,
R/o 3-91, Hydersha Khote (Vill),
Post : Golonda, R.R. District. .....Petitioner

AND

1. Mr. K.S.R. Upadhya,
President H.D.F. C. Bank Ltd.,
751, Anna Salai, Mariam Centre,
II floor, Chennai-600002.

2. Mr. C. S. Gopinath,
Vice President, H.D.F.C. Bank Ltd.,
Ground floor, 6-1-73,
Saeed Plaza, Lakdikapool,
Hyderabad.

3. Mr. Kalpeshnagar,
Assistant Manager, H.D.F.C. Bank Ltd.,
Ground floor, 6-1-73,
Saeed Plaza, Lakdikapool,
Hyderabad.

4, Mr. Raghuram,
TBG, Assistant Manager,
H.D.F.C. Bank Ltd.,
Ground floor, 6-1-73,
Saeed Plaza, Lakdikapool,
Hyderabad ....Respondents

Appearances :

For the Petitioner : M/s. C. Vijaya Shekar Reddy, Advocates

For the Respondent : M/s. V. S. Raju, Advocates

AWARD

This is a case taken under Sec. 2A(2) of the I.D.Act, 1947 in view of the judgment of Hon'ble High Court of Andhra Pradesh reported in W.P. No. 8395 of 1989 dated 3-8-1995 between sri U. Chinnappa and M/s. Cotton Corporation of India and two others and numbered in this Court as L.C.I.D. No. 208/2002 and notices were issued to the parties.

2. The Petitioner filed this case stating that he has joined the Respondent bank as office boy in the year 1998. Later, he was terminated from services from 1-8-2002. Respondents also filed counter denying the same stating that he was given short spells of work only. This case was referred to Lok Adalath on 26-6-2003. As the parties were not ready, the case was posted on 20-8-2003. On 8-9-2003 a joint Memorandum of Settlement was filed. Today, i.e., on 18-9-2003 a cheque for Rs. 35,000/- was paid to the Petitioner before me. Terms of settlement were recorded. Hence, a 'Nil' Award is passed, Transmit.

Dictated to Kum. K. Phani Gowri, Personal Assistant transcribed by her corrected and pronounced by me on this the 18th day of September, 2003.

E. ISMAIL, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner	Witnesses examined for the Respondent
NIL	NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 1 जुलाई, 2005

का.आ. 2638.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 30-06-2005 को प्राप्त हुआ था।

[सं. एल-12012/320, 387, 321, 323 to 329, 397/2000-आईआर (बी-I)

एल-12012/326, 327, 330/2001-आईआर(बी-I)

एल-12012/446, 448 to 450, 251, 381, 252, 382, 253, 383, 385, 255, 386, 256, 389, 257, 258, 259, 455, 261, 260, 262, 263, 269, 516 to 519/2000-आईआर(बी-I)

एल-12012/520/2000-आईआर(बी-I);

एल-12012/335, 334/2001-आईआर(बी-I);

एल-12012/521, 45, 522 to 531, 60, 59, 380, 388, 445, 451, 51, 453, 454, 466, 474, 69, 71, 67, 72, 52, 53, 73, 350 to 359, 44, 65, 390, 66, 391, 392, 61, 68, 394, 395, 48, 396, 74, 398, 49, 399, 50, 400, 62/2000-आईआर(बी-I);

एल-12012/11 to 14, 16, 17, 19, 20, 40, 72 to 74, 76 to 81, 63, 64, 33, 35 to 39, 367, 71, 82, 83, 84, 368, 126, 127, 151, 159 to 165, 176/2001-आईआर(बी-I)]

अजय कुमार, डैस्क अधिकारी

New Delhi, the 1st July, 2005

S.O. 2638.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal/Labour Court, Hyderabad as shown in the Annexure, in the Industrial Dispute between the management of State Bank of India and their workman, which was received by the Central Government on 30-6-2005.

[No. L-12012/320, 387, 321, 323 to 329, 397/2000-IR(B.1),

L-12012/326, 327, 330/2001-IR(B.1);

L-12012/446, 448, to 450, 251, 381, 252, 382, 253, 383, 385, 255, 386, 256, 389, 257, 258, 259, 455, 261, 260, 262, 263, 269, 516 to 519/2000-IR (B. I);

L-12012/520/2000-IR(B.I);

L-12012/335, 334/2001-IR (B. I);

L-12012/521, 45, 522 to 531, 60, 59, 380, 388, 445, 451, 51, 453, 454, 466, 474, 69, 71, 67, 72, 52, 53, 73, 350 to 359, 44, 65, 390, 66, 391, 392, 61, 68, 394, 395, 48, 396, 74, 398, 49, 399, 50, 400, 62/2000-IR (B.I);

L-12012/11 to 14, 16, 17, 19, 20, 40, 72 to 74, 76 to 81, 63, 64, 33, 35 to 39, 367, 71, 82, 83, 84, 368, 126, 127, 151, 159 to 165, 176/2001-IR (B. I)]

AJAY KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM-LABOUR COURT, AT HYDERABAD

PRESENT : Shri E. Ismail, B.Sc., LL.B, Presiding Officer

Dated the 17th May, 2005

ID No. 17 of 2001

Between :

Shri D. Purnachander ...Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ...Respondent/Management

Reference No. : L-12012/320/2000-IR(B.I)

ID No. 17 of 2002

Between :

Shri R. Sunil Kumar ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad. ....Respondent/Management

Reference No. L-12012/387/2000-IR(B.I)

ID No. 18 of 2001

Between :

Shri S. Chandrakala ..Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street,.Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/321/2000-IR(B.I)

ID No. 20 of 2001

Between :

Shri T. Shanthi Kumar ...Petitioner/Workman

And

The Asst. General Manager,
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/323/2000-IR(B.I)

ID No. 21 of 2001

Between :

Shri B. Dastaiah .....Petitioner/Workman

And

The Asst. General Manager,
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/324/2000-IR(B.I)

ID No. 22 of 2001

Between :

Shri K. Devender ... Petitioner/Workman

And

The Asst. General Manager,
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/325/2000-IR(B.1)

ID No. 23 of 2001

Between :

Shri M. Rajaiah ..Petitioner/Workman

And

The Asst. General Manager,
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/326/2000-IR(B.1)

ID No. 24 of 2001

Between :

Shri T. Balaram .....Petitioner/Workman

And

The Asst. General Manager,
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/327/2000-IR(B.I)

ID No. 25 of 2001

Between :

Shri M. Ramulu ...Petitioner/Workman

And

The Asst. General Manager,
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/328/2000-IR(B.I)

ID No. 26 of 2001

Between :

Shri M. Madhukar Rao ....Petitioner/Workman

And

The Asst. General Manager,
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/329/2000-IR(B.I)

ID No. 27 of 2001

Between :

Shri C. Yadagiri ... Petitioner/Workman

And

The Asst. General Manager,
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/397/2000-IR(B.I)

ID No. 29 of 2001

Between :

Shri Ch. Narsimhulu ... Petitioner/Workman

And

The Asst. General Manager,
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/326/2001-IR(B.I)

ID No. 30 of 2002

Between :

Shri Narasinga Rao ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/327/2001-IR(B.I)

ID No. 33 of 2002

Between :

Shri K. Illaiah ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/330/2001-IR(B.I)

ID No. 43 of 2001

Between :

Shri N. Madhusudhan ...Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/446/2000-IR(B.I)

ID No. 45 of 2001

Between :

Shri P. Sriramulu ... Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/448/2000-IR(B.I)

ID No. 46 of 2001

Between :

Shri T. Venkataratnam .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/449/2000-IR(B.I)

ID No. 47 of 2001

Between :

Shri S. Renukadevi .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/450/2000-IR(B.I)

ID No. 47 of 2001

Between :

Shri G. Anil Kumar ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/251/2000-IR(B.I)

ID No. 48 of 2001

Between :

Shri Md. Abdul Sattar ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad. ... Respondent/Management

Reference No. L-12012/381/2000-IR(B.I)

ID No. 48 of 2002

Between :

Shri N. Shankara Rao ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/252/2000-IR(B.I)

ID No. 49 of 2001

Between :

Shri V. Venugopal .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/382/2000-IR(B.I)

ID No. 49 of 2002

Between :

Shri V. Omerao .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/253/2000-IR(B.I)

ID No. 50 of 2001

Between :

Shri M. Ramesh Kumar ...Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad. .....Respondent/Management

Reference No. L-12012/383/2000-IR(B.I)

ID No. 51 of 2001

Between :

Shri Y. Rajender .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/385/2000-IR(B.I)

ID No. 51 of 2002

Between :

Shri CV Venkateswarlu .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/255/2000-IR(B.I)

ID No. 52 of 2001

Between :

Shri B. Ramesh ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad. ....Respondent/Management

Reference No. L-12012/386/2000-IR(B.I)

ID No. 52 of 2002

Between :

Shri K. Srinivas .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad. ......Respondent/Management

Reference No. L-12012/256/2000-IR(B.I)

ID No. 53 of 2001

Between :

Shri K. Surender ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/389/2000-IR(B-I)

ID No. 53 of 2002

Between :

Shri G. Veerachary ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/257/2000-IR(B-I)

ID No. 54 of 2001

Between :

Shri S. Padma ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No.

ID No. 54 of 2002

Between :

Shri G.P. Narsing Rao ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/258/2000-IR(B.-I)

ID No. 55 of 2002

Between :

Shri B. Shakunthala ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/259/2000-IR(B.-I)

ID No. 56 of 2001

Between :

Shri PV. Rajeev ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/455/2000-IR(B.-1)

ID No. 56 of 2002

Between :

Shri C. Kishore Kumar ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/261/2000-IR(B.-I)

ID No. 57 of 2002

Between :

Shri M. Nanda Babu ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/260/2000-IR(B.-I)

ID No. 58 of 2002

Between :

Shri A. Renuka ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/262/2000-IR(B-1)

ID No. 59 of 2002

Between :

Shri P. Ravi Kanth ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/263/2000-IR(B-1)

ID No. 61 of 2002

Between :

Shri D. Srihari .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/269/2000-IR(B-1)

ID No. 72 of 2001

Between :

Shri B. Satyanarayana .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/516/2000-IR(B.1)

ID No. 73 of 2001

Between :

Shri G. Dhanraj ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/517/2000-IR(B-1)

ID No. 74 of 2001

Between :

Shri P. Seshagiri rao ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/518/2000-IR(B-1)

ID No. 75 of 2001

Between :

Shri R. Satyanarayana ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/519/2000-IR(B-I)

ID No. 75 of 2002

Between :

Shri K. Srinivas .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/335/2001-IR(B-1)

ID No. 76 of 2001

Between :

Shri R.S. Srinivas ......Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No : L-12012/520/2000-IR(B.I)

ID No. 76 of 2002

Between :

Shri K.B. Narasimha Raju ....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No : L-12012/334/2001-IR(B.I)

ID No. 77 of 2001

Between :

Shri Y.V. Ramana .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No : L-12012/521/2000-IR(B.I)

ID No. 77 of 2002

Between :

Shri V. Maddileti .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No : L-12012/45/2000-IR(B.I)

ID No. 78 of 2001

Between :

Shri A.N. Sai Kumar .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No : L-12012/522/2000-IR(B.I)

ID No. 79 of 2001

Between :

Shri S. Narasaiah ....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No : L-12012/523/2000-IR(B.I)

ID No. 80 of 2001

Between :

Shri S. Ramachandran ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No : L-12012/524/2000-IR(B.I)

ID No. 81 of 2001

Between :

Shri B. Yadagiri .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No : L-12012/525/2000-IR(B.I)

ID No. 82 of 2001

Between :

Shri G. Sathish Kumar ....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No : L-12012/526/2000-IR(B-1)

ID No. 83 of 2001

Between :

Shri N.M. Manohar .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/527/2000-IR(B-1)

ID No. 84 of 2001

Between :

Shri K. Sakkubai .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/528/2000-IR(B-1)

ID No. 85 of 2001

Between :

Shri P. Vinod .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No : L-12012/529/2000-IR(B-1)

ID No. 86 of 2001

Between :

Shri K. Yadaiah ......Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No : L-12012/530/2000-IR(B-1)

ID No. 87 of 2001

Between :

Shri C. Krishna .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/531/2000-IR(B-1)

ID No. 88 of 2002

Between :

Shri M. Gangadhar ......Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/60/2000-IR(B-1)

ID No. 90 of 2002

Between :

Shri G. Satyanarayana .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/59/2000-IR(B-1)

ID No. 94 of 2001

Between :

Shri C. Megharaj ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/380/2000-IR(B-1)

ID No. 95 of 2001

Between :

Shri Md. Ghouse ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/388/2000-IR(B-1)

ID No. 96 of 2001

Between :

Shri B.R. Saibaba ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/445/2000/IR(B.I)

ID No. 97 of 2001

Between :

Shri G. Yadaiah ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/451/2000/IR(B.I)

ID No. 97 of 2002

Between :

Shri M. Mallikarjuna rao .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/51/2000/IR(B.I)

ID No. 98 of 2001

Between :

Shri P. Subbaraju ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. :

ID No. 99 of 2001

Between :

Shri KRR Pillai ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/453/2000/IR(B-I)

ID No. 100 of 2001

Between :

Shri MJ Janardhan .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/454/2000-IR(B-I)

ID No. 109 of 2001

Between :

Shri G. Raju ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/466/2000/IR(B-1)

ID No. 110 of 2001

Between :

Shri K. Prakash ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/474/2000/IR(B-I)

ID No. 110 of 2002

Between :

Shri G. Komaraiah ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/69/2000-IR(B-I)

ID No. 111 of 2002

Between :

Shri G. Kanakaiah .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/71/2000/IR(B-I)

ID No. 112 of 2002

Between :

Shri D. Pulia ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/67/2000-/IR(B-I)

ID No. 113 of 2002

Between :

Shri SP Varun Babu ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/72/2000/IR(B-I)

ID No. 114 of 2002

Between :

Shri E. Srisailam .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/52/2000/IR(B-I)

ID No. 115 of 2002

Between :

Shri M. Swamy ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/53/2000/IR(B-I)

ID No. 118 of 2002

Between :

Shri D. Gangaram .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/73/2000/IR(B-I)

ID No. 125 of 2001

Between :

Shri J. Aialaiah ......Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/350/2000/IR(B-I)

ID No. 126 of 2001

Between :

Shri B. Anjaiah ....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/351/2000/IR(B-I)

ID No. 127 of 2001

Between :

Shri E. Balaswamy .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/352/2000/IR(B-I)

ID No. 128 of 2001

Between :

Shri P. Shankaraiah .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/353/2000/IR(B-I)

ID No. 129 of 2001

Between :

Shri V. Yadagiri .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/354/2000/IR(B-I)

ID No. 130 of 2001

Between :

Shri K. Narsimhulu ......Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/355/2000/IR(B-I)

ID No. 131 of 2001

Between :

Shri Pochaiah ......Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/356/2000/IR(B-I)

ID No. 132 of 2001

Between :

Shri G. Ramaswamy .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/357/2000/IR(B-I)

ID No. 133 of 2001

Between :

Shri M. Ganga Ram ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/358/2000/IR(B-I)

ID No. 134 of 2001

Between :

Shri K. Yadagiri .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/359/2000-IR(B-I)

ID No. 140 of 2002

Between :

Shri S. Venkateswarlu ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/44/2000-IR(B-I)

ID No. 141 of 2002

Between :

Shri S. Muthaiah .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/65/2000-IR(B-I)

ID No. 142 of 2001

Between :

Shri I. Suvarna .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/390/2000-IR(B-I)

ID No. 142 of 2002

Between :

Shri D. Redya .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/66/2000-IR(B-I)

ID No. 143 of 2001

Between :

Shri Y.S. Rajkumar .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/391/2000-IR(B-I)

ID No. 144 of 2001

Between :

Shri M. Sobharani .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/392/2000-IR(B-1)

ID No. 144 of 2002

Between :

Shri B. Shankaraiah ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ...Respondent/Management

Reference No. L-12012/61/2000-IR(B-1)

ID No. 145 of 2002

Between :

Shri M. Narsubai ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/68/2000-IR(B-1)

ID No. 146 of 2001

Between :

Shri D. Laxminarayana .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ...Respondent/Management

Reference No. L-12012/394/2000-IR(B-1)

ID No. 147 of 2001

Between :

Shri M. Narasimhulu ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/395/2000-IR(B-I)

ID No. 147 of 2002

Between :

Shri N. Yerranna .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/48/2000-IR(B-I)

ID No. 148 of 2001

Between :

Shri R. Premraj .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/396/2000-IR(B-I)

ID No. 148 of 2002

Between :

Shri M. Muthaiah .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ...Respondent/Management

Reference No. L-12012/74/2000-IR(B-I)

ID No. 149 of 2001

Between :

Shri K. Tulasi Das ......Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/398/2000-IR(B.I)

ID No. 149 of 2002

Between :

Shri M. Narayana ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ...Respondent/Management

Reference No. L-12012/49/2000-IR(B.I)

ID No. 150 of 2001

Between :

Shri K. Ramanjaneyulu .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/399/2000-IR(B.I)

ID No. 150 of 2002

Between :

Shri M. Suraiah .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/50/2000-IR(B.I)

ID No. 151 of 2001

Between :

Shri C. Kishor Kumar ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/400/2000-IR(B.I)

ID No. 151 of 2002

Between :

Shri Y. Mallesh .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/62/2000-IR(B.I)

ID No. 161 of 2001

Between :

Shri D. Narasimha Swamy ...Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/11/2001-IR(B.I)

ID No. 162 of 2001

Between :

Shri Madipally Levi .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/12/2001-IR(B.I)

ID No. 163 of 2001

Between :

Shri K. Karunakar ....Petitioner/Workman

And

AND

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/13/2001-IR(B-1)

ID No. 164 of 2001

Between :

Shri K. Laxmi ....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/14/2001-IR(B-1)

ID No. 166 of 2001

Between :

Shri G. Lingaiah .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/16/2001-IR(B-1)

ID No. 167 of 2001

Between :

Shri B. Srinivas .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/17/2001-IR(B-1)

ID No. 169 of 2001

Between :

Shri B. Chandru ....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/19/2001-IR(B-1)

ID No. 170 of 2001

Between :

Shri Tupakula Bala Nagulu ....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/20/2001-IR(B-1)

ID No. 178 of 2001

Between :

Shri J. Arun Kumar ...Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/40/2001-IR(B.1)

ID No. 182 of 2001

Between :

Shri K. Ramulu ....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/72/2001-IR(B.1)

ID No. 183 of 2001

Between :

Shri Gundla Sayanna ....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/73/2001-IR(B-1)

ID No. 184 of 2001

Between :

Shri P. Kumaraswamy .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/74/2001-IR(B-1)

ID No. 186 of 2001

Between :

Shri P. Yadagiri ......Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/76/2001-IR(B-1)

ID No. 187 of 2001

Between :

Shri K. Jayender ......Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/77/2001-IR(B-1)

ID No. 188 of 2001

Between :

Shri R. Anasuya ......Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/78/2001-IR(B-1)

ID No. 189 of 2001

Between :

Shri M. Shyam Rao .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/79/2001-IR(B-1)

ID No. 190 of 2001

Between :

Shri Md. Murtuza ......Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/80/2001-IR(B-1)

ID No. 191 of 2001

Between :

Shri N. Srinivasa rao ....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/81/2001-IR(B-1)

ID No. 196 of 2002

Between :

Shri B. Shyam Sundar ....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ......Respondent/Management

Reference No. L-12012/63/2000-IR(B-1)

ID No. 197 of 2002

Between :

Shri B. Lachaiah ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/64/2000-IR(B-1)

ID No. 198 of 2001

Between :

Shri M. Jaganmohan ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/33/2001-IR(B-I)

ID No. 198 of 2002

Between :

Shri V. Seenaiah .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/46/2000-IR(B-I)

ID No. 199 of 2001

Between :

Shri K. Das .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/35/2001-IR(B-I)

ID No. 200 of 2001

Between :

Shri E. Yellaiah .....Petitioner/Workman

And

The Asstt. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ...Respondent/Management

Reference No. L-12012/36/2001-IR(B-I)

ID No. 201 of 2001

Between :

Shri N. Pushpa .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/37/2001-IR(B-I)

ID No. 202 of 2001

Between :

Shri T. Parishuddaharao ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/38/2001-IR(B-I)

ID No. 203 of 2001

Between :

Shri O.P. Thakur .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/39/2001-IR(B-I)

ID No. 208 of 2002

Between :

Shri A. Shankar Rao .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.),
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/367/2001-IR(B-I)

ID No. 209 of 2001

Between :

Shri A. Agaiah .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/71/2001-IR(B-I)

ID No. 210 of 2001

Between :

Shri B. Anantha Reddy .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/82/2001-IR(B-I)

ID No. 211 of 2001

Between :

Shri K. Ashok ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/83/2001-IR(B-I)

ID No. 212 of 2001

Between :

Shri G. Anjaiah ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/84/2001-IR(B-I)

ID No. 219 of 2002

Between :

Shri L. Sanjeeva .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/368/2001-IR(B-I)

ID No. 222 of 2001

Between :

Shri P. Anil Kumar ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/126/2001-IR(B-I)

ID No. 223 of 2001

Between :

Shri B. Sulochana .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/127/2001-IR(B-I)

ID No. 236 of 2001

Between :

Shri M. Lingam .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/151/2001-IR(B-I)

ID No. 237 of 2001

Between :

Shri D. Prasad Rao .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/159/2001-IR(B.I)

ID No. 238 of 2001

Between :

Shri B.R. Prabhakar ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/160/2001-IR(B.I)

ID No. 239 of 2001

Between :

Shri E. Nagaraju ...Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/161/2001-IR(B.I)

ID No. 240 of 2001

Between :

Shri P. Bharathi ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad .....Respondent/Management

Reference No. L-12012/162/2001-IR(B.I)

ID No. 241 of 2001

Between :

Shri Y. Nageswarao ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/163/2001-IR(B.I)

ID No. 242 of 2001

Between :

Shri A. Gopal Yadav ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/164/2001-IR(B.I)

ID No. 244 of 2001

Between :

Shri M. Saroopa ....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ....Respondent/Management

Reference No. L-12012/165/2001-IR(B.I)

ID No. 246 of 2001

Between :

Shri C. Anil Kumar .....Petitioner/Workman

And

The Asst. General Manager
(Personnel & HRD Deptt.)
State Bank of India,
Local Head Office,
Bank Street, Koti,
Hyderabad ...Respondent/Management

Reference No. L-12012/176/2001-IR(B.I)

Appearances :

For the Petitioner : S/Shri Prabhakar, Vikas, S. Prasad Rao, Advocates

For the Respondent : M/s. B. G. Ravindra Reddy & B. V. Chandra Sekhar, Advocates.

AWARD

The Government of India, Ministry of labour by its order No. L-12012/126/2001-IR (B. I) dated 18-9-2001 referred the following dispute under Section 10(1) (d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of State Bank of India and their workman. The referenee is,

SCHEDULE

"Whether the action of the management of State Bank of India, Local Head Office, Hyderabad in terminating the services of Sri P. Anil Kumar, Temporary/Non-Messenger, State Bank of India w.e.f. 31-3-1997 is justified or not? If not, what relief the applicant is entitled?"

The reference is numbered in this Tribunal as I.D. No. 222/2001 and notices were issued to the parties. The Government of India has referred about 500 such references and it will not be possible or practiceable to answer every reference separately. As the main issues involved are one and the same, I am of the opinion that all of them can be decided in groups by giving common awards, this group which I am now dealing pertains to Hyderabad Zone and this reference and 149 other references a common award is passed.

4. To begin with I am quite perturbed due to the chequered history of these cases and also due to the fact that seeds of this litigation was sworn in 1975. I have not only to consider merely the technical aspects, powers of the Industrial Tribunal in simply answering the reference but I will also have to see viewing it as a human problem. These cases remind me of a poem by the famous Poet Faiz Ahmed Faiz and I find no better way than to start my award by quoting the entire poem of Faiz,

"Humility I've learnt, sympathy for the poor,
learnt the meaning of despair, suffering and pain;
learnt to comprehend the miseries of the oppressed,
the meaning of cold sighs, of pallid facrs.

Whenever those hapless creatures sit together to cry,

In whose eyes tears, bitterly shed, fall asleep,
And those destitute upon whose morsels swoop down,

the vultures hovering above, poised on their wings,

Whenever is traded in the market place the flesh of the labourer, and on the highways flows the blood of the poor, a sort of fire upsurges in my bosom, and I lose all hold overy my heart."

As I stated supra, these cases have got a chequred history and instead of myself narrating the same, I think it would be better to write down what he stated in his claim statement of this particular case which practically is the same pleading for all the claim statement in all the cases filed by the Petitioners.

5. The Petitioner Mr. P. Anil Kumar in ID No. 222/2001 has filed the following claim statement. That the workman joined in the services of the Management institution namely State Bank of India as messenger in 1988 and rendered unblemished service spreading over a period of about 10 years upto 31-3-1997 when his services were terminated by oral order w.e.f. 1-4-1997. The workman submits that he is erstwhile employee who has worked in various branches of State Bank of India. He belongs to Scheduled Caste, he passed IX class. The qualification is VIII standard which is prescribed for the post of messenger. The Management of Bank has decided to give a chance to temporarily employed personnel found suitable for permanent appointment by waitlisting them by offering permanent appointment or waitlisting them till such opportunity arises.

6. That on 17-11-1987 a settlement was reached between All India State Bank of India Staff Federation and the Management of State Bank of India settlement one, under this settlement three categories of employees were listed. That is, (A) those who have completed 240 days in 12 months or less after 1-7-1975, (B) those who have completed 270 days in any continuous block of 36 calendar months after 1-7-1975. (C) (i) those who have completed minimum of 30 days aggregate temporary service in any calendar year after 1-7-1975 or (ii) 70 days aggregate temporary service in continuous block of 36 months after 1-7-1975.

7. The person who satisfied in all the above 4 categories were to be interviewed by a selection committee the said selection committee would determine the suitability of the said candidate for permanent appointment. Therefore, the bank first day opportunity to notice and observe the work of the workman then prescribed certain the qualifications and from among the candidates satisfying the qualifications the suitable candidates were enlisted by a selection committee. Clause 7 of the said agreement provided with the selected candidate would be wait listed in order of their respective categorization and the selected panel by valid upto December, 1991. Clause 10 of the settlement is specifically provided that henceforth, "there will be temporary appointments in the subordinate cadre", except on a restrictive basis in the specified category, "from amongst empanelled candidates as per existing guidelines of the bank". The workman further submits that consequent upon the said agreement and the draft, a notification was issued in the newspapers. The last date for responding to the advertisement was 30-8-1988. A written examination followed by *viva-voce* in May, 1989 was held. A selected panel was prepared, as per clause 7 of the agreement, i.e. settlement No. 1, the selected panel was to be valid upto December, 1991. The workman submits that circular was issued on 26-4-91 by the said letter it is mentioned that the terms of the agreement dated 17-11-87 was modified *vide* second agreement dated 16-7-88 was entered into between the parties. In terms of the said agreement a chance was to be given, "to all eligible temporary employees for permanent

appointments. The appointments were against the vacanies likely to arise during the years 1995-96, circular made it clear that in view of the enormity of the problem an extension of the currency of the panel, eligible temporary employees who have been empanelled could not appear in the earlier interviews and have been pursuing their cases thereafter, "will be given another chance to appear for interview".

8. In fact, there is some confusion in the claim statement, but actually another panel was prepared. There were total five settlements, settlement dated 17-11-87 is the 1st settlement (Ex. M1), settlement dated 16-7-88 is 2nd settlement (Ex. M2), settlement dated 27-10-88 is the 3rd settlement (Ex. M3), then settlement dated 9-1-91 is 4th settlement and settlement dated 30-7-96 is 5th settlement (Ex. M6). In between there is minutes of conciliation proceedings dated 9-6-95 marked as Ex. M5. That due to all these settlements which were extended by further settlements thereby creating reasonable expectations in the list of the selected candidates arose with its a question of time before appointments or services are regularized in the services of the bank, the workman was working with the bank on temporary basis was under the *bona fide* hope that sooner his services will be regularised with the bank. He is thereby closed all his options elsewhere. It is needless to point out that employing person to whom hope of employment in substantial terms was made is a facet of Article 21 of the Constitution of India.

9. The Government of India issued circular No. F/3/3/104/87-IR, dated 16-8-1990. Under the said circular the Chief Executives of all public sector banks including the Management herein were specifically instructed that until the problem of existing temporary employee is fully resolved, no bank is permitted to make any permanent appointments. That some of the perosns similarly situated like this Petitioner aggrieved by the inaction on the part of the Management of the bank in not regularizing their services from out of the selected panel and not clearly focusing the vacancy position, filed W.P. No. 4194/97 on the file of the Hon'ble High Court of A.P. It is specifically averred in the said Writ Petition that the Management of the bank had failed to implement the settlement and that it violates the various fundamental rights guaranteed under the Constitution of India. The Hon'ble High Court of A.P. by an order dated 5-3-97 directed the bank to implement the settlement as amended from time to time. It also directed the bank to carryout the terms of the settlement before the expiry of March, 1997. The High Court also recorded a finding that the Bank cannot escape its liability of enforcement of the settlement. I view of the directions granted by the High Court in W.P. No. 4194/97 all candidates whose names appeared in the select panels prepared on the basis of the agreement entered into on 17-11-87 under which the panel was valid upto December, 1991, and on the basis of a settlement dated 27-10-1988 whereby the panels were made alive upto 31-3-1997 under which the plane was valid upto December, 1999. The other agreement dated 16-7-1988 under which the panel was vlaid upto 1992 and on the basis of the settlement dated 27-10-1998 whereby the panels were made alive upto 31-3-1997 were under the *bona fide* impression that their cases will be considered for regularization and were living on the basis of the said reasonable expectation. Unfortunately, contrary to the directions given by the High Court on 5-3-1997 in W.P. No. 4194/97 and contrary to the settlements entered into between the parties, the bank issued proceedings dated 25-3-1997, dated 27-3-1997 and 31-3-1997 instructing the various authorities of the Management not to continue the temporary employees those who are in services of the bank from 1-4-97. The said order was followed by the Management. Aggrieved by the said action the workman herein and similarly situated candidates have filed a writ petition before the Hon'ble High Court by way of Writ Petition No. 9206/97 seeking a declaration that the proceedings issued by the Deputy General Manager and the Assistant General Manager (Respondents 3, 4 and 5 therein) on 25-3-97, 27-3-1997 and 31-3-97 as illegal and also non-continuance of the Petitioners therein in service by absorbing them in the services of the bank as violative of Section 2(p) and 18(1) read with Rule 58 of Central Rules and sought for specific direcition to the bank to absorb them in service.

10. He further submits that in the counter affidavit filed in Writ Petition No. 9206/97, the bank submitted that it has about 805 branches in Andhra Pradesh alone. It has stated that due to exigencies of circumstances and on account of the urgent need in its banks, it employed temporary employees in subordinate cadre. It is pertinent to mention that it does not state the urgent needs or the nature of temporary employees that it had engaged. Enquiry into the same would reveal that the stand taken by the bank either on the ground of urgent need or of temporary employees is a facade to perpetuate unfair labour practice. It is designed to, on the one hand, keep the employed in the erroneous zone of hope and on the other to ensure that benefits that a model employer will extend under various statutes to its employees is not required to be borne out by the bank. A reading of the counter affidavit would show that the bank would opines that being just fair and reasonable are which obviously is reprehensible and is a facet of unfair labour practice.

11. He submits that the bank refers in its counter affidavit to three settlements dated 17-11-87, 16-7-88 and 27-10-88. The bank in the guise of extending the benefits of the circular of Government dated 16-8-90 stated in its counter affidavit as follows : "Government of India, vide its letter dated 16-8-1990, issued guidelines to all the public sector banks with regard to recruitment and absorption of temporary employees in public sector banks. The said guidelines were issued to implement on the lines of the approach paper on the issue provided by a committee constituted in this regad. The Government of India

guidelines made it clear that all the public sector banks may follow the provisions laid down in the approach paper.

"The approach paper specified that the cases of temporary employees who had put in not less than 240 days of temporary service in 12 consecutive months and who are entitled to benefit of Section 25-F may be decided by entering into a settlement with the representative union. In respect of temporary employees who had put in less than 240 days of service in 12 consecutive months or less, a settlement could be avoided and however if the Management so desired, they could enter into a conciliation settlement with the representative union. In para 6(h), it is mentioned that only those temporary employee who had put in temporary service of 90 or more days after 1-1-1982 would be eligible for considering under the scheme. Although the Government guidelines envisaged for a settlement in respect of employees who had put in temporary service of 90 or more days, the bank by way of further concession entered into settlements even in respect of those who had put in less than 90 days. As such, it could be seen that the settlements are more beneficial to the temporary employees concerned. The approach paper also specify at para 6(c) that the banks would provide one time opportunity to all the temporary employees and for that purpose temporary employees worked in the bank on or after 1-1-1982 could be considered for re-employment in terms of the scheme. The Respondents have gone further wherein even persons working after 1975 were also considered.

As could be seen from the above, there was a genuine effort on the part of the Respondent bank to provide permanent employment for as many as possible subject to availability of the vacancies.

It is further submitted that at para 6(k) of the approach paper, it was made clear that this would be one time exercise in full and final settlement of all the aims and disputes for the past period in respect of temporary workmen covered by the settlement. This would mean that the Government of india guidelines would cover only those persons who were temporarily employed for the period specified therein and not otherwise. As such, it is submitted that the Respondents have not only followed the Government of India guidelines but in fact covered cases of the employees who had worked for less than 90 days. As such, question of violation does not arise and in any case those were only broad guidelines and not directives."

12. The workman submits that the bank also referred a further settlement dated 9-1-1991 wherein there is a clause to the effect that the panel of temporary employees and the panel of daily wage employees will be operated to a particular period. Therefore their cases will not be considered. The Management herein relying upon the settlement in their impugned acton. It is submitted that even the settlement dated 9-1-1991 will not empower the management to terminate the services of the temporary employees who are working in the bank services like the workman herein as it does not specify the termination of the employees. In fact there are so many vacancies wherein the Management has engaged several new persons as temporary messengers/attenders/sweepers etc., even after the judgement of Hon'ble High Court without considering the cases of the similarly situated candidates like the workman herein. It is submitted inspite of engaging fresh candidates as is now being done by the Management they would have continued the similarly situated candidates like the workman herein in the services of the bank and consider their cases for absorption in view of the circulars issued by Central Government as well as the directions of this Hon'ble Court in Writ Petition No. 4194/97, dated 5-3-97. In view of the circulars issued by the Central Government, the Management should not have relied upon the settlement dated 9-1-1991. Hence, the impugned action of the Management is illegal, unjust, violative of fundamental rights such as Articles 14, 16 and 21 of the Constitution of India.

13. The workman submits that the Hon'ble High Court allowed the Writ Petition No. 9206/97 and batch by an order datred 1-1-1998. It is pertinent to mention that as a matter of fact of the Hon'ble High Court on a detailed enquiry recorded the following findings of fact :

"(1) That the candidtes had appeared for written examination and a Viva Voce Test. They, therefore, satisfied a procedure of objective criteria in the process of selection.

(2) The life of the panels were admittedly extended by the bank beyond its initial life-span.

(3) Inspite of creation of the panels and non-regularisation of the services of the employees who were continued to be in the panel, the above workmen were continued to be engaged till the Circulars were issued on 25-3-1997, 27-3-1997 and 31-3-1997.

(4) The workmen were given the definite impression that the panels will be kept alive till all the empanelled candidates were absorbed.

(5) No fresh recruitment would be taken up by the bank till the said empanelled employees are absorbed and regularized in the services of the bank.

(6) The Petitioners had a legitimate expectation of being regularized in the services of the bank.

(7) Orders of oral termination effected the continuance of the candidates in the services of the bank, thereby the settlements cannot be pressed into service not to regularize the services of the workmen but to terminate their services even if they were otherwise eligible for regularization.

(8) The action of the Authorities could also be contrary to the ratio laid down by the Supreme

Court in State Bank of India Vs. V. Sundara Mani reported in AIR 1976 SC 1111.

(9) The status of the workmen vis-a-vis the bank needed no probe.

(10) That the Bipartite Settlement dated 19-10-1966 dealing with the question of temporary workmen pointed out that there should be no temporary appointment exceeding the period of 3 months and the fact that the employees have been working for the lengths of time mentioned in Annexure shows that there is no only violation of Bipartite Agreement of the Desai Award that after the said period, the status of the employees is that of regular employees.

(11) Mr. S. Ramachandra Rao, the Learned Counsel for the Petitioners, is totally right in contending that there is nothing left to be settled between the parties as to their respective rights and liabilities or duties as the case may be except to know whether they have been implemented or enforced. Therefore, it has become a question of fact whether the settlement has been implemented or flouted by the Respondent bank in its true and real implications."

14. The workman submits that in W.P. No. 4194/97 filed by the union of temporary employees wherein they have complained about the non-implementaton of the settlements arrived between the parties and sought for absorption. Such employees in the bank services on permanent basis before the date fixed for carrying out the terms of settlements, the Court held that the members of the union had been empanelled in the list, they were not regularized and the time was going to run out to the near future and the Respondent bank and its officers cannot escape from the liability of enforcing the settlement which has been reached and therefore directed that the bank and the officers shall implement the settlement dated 17-11-1987 as amended from time to time before the expiry of 31-3-97.

15. Further, judgements were cited with the claim statement which need not be mentioned here as any way they will be referred to while referring the arguments. It is further averred that it is a human right and it is not necessary that the right should be stated as fundamental right in Chapter III and new rights can be read into and inferred from the rights stated in the Chapter III of the Constitution of India. He submitted that in the clause 10 of the statement it is specifically mentioned that the workman to be absorbed or appointed in the bank prohibiting temporary appointments subsequent to the date of settlements. Even the authorities want to make temporary appointments that should be made only from among the empanelled candidates. The Management has indulged in unfair labour practices. The Management has committed unfair labour practice and terminated the services of candidates from 1-4-97 which is arbitrary, discriminatory, contrary to their own guidelines and violative of the Constitutional provisions which are guaranteed in Chapter III in the Constitution of India.

16. It is strange as to how the panels were allowed to lapse by a so-called Memorandum of Understanding dated 25-2-1997, that the action of terminating such employees like the workman by virtue of an impugned oral proceedings without implementing the settlement would be illegal and unfair labour practice which can not be allowed to be perpetuated. That the discontinuance of the workman after 31-3-97 but served in the bank in any capacity amounts to retrenchment. It could not have been done wihtout any notice and it violates Sec. 25FF of the Industrial Disputes Act, 1947 and the said action is violative of principles of natural justice guaranteed under Chapter III of the Constitution of india. This amounts to retrenchment without one month's notice and taken in view of such notice. Thus, the main proceedings are issued in cleanable exercise of power, without jurisdiction, arbitrary, illegal and therefore liable to be quashed. That the alleged Memorandum of Understanding dated 27-2-97, Ex. M5 does not appoint the workman and it's own legal entity, the said Memorandum of Understanding is not published anywhere to brought to the notice of the workman whose rights are being affected. Submitted that the Management did not adhere to the procedure envisaged by the Cemtral Government in its' instructions dated 16-8-90 in the year 1995. The same was not followed in the year 1997 despite there being vacancies. The Management has followed the procedure of calling candidates through employment exchange instead of giving chance to the empanelled candidates like the workman here. It is not pertinent to note/mention here that the Respondent Management sent all letters to the similarly situated candidates like the workman in the month of June, 1997, subsequent to the passing of impugned termination orders. After knowing the facts that the candidates are litigating, the Management refused to engage these candidates. It is once again reiterated that the panels are meant for absorption but not for termination. It was the duty of the Management to engage the empanelled candidates like the workman even in temporary vacancies till they are absorbed permanently in regular vacancies. Hence, the action of the Respondent Management terminating the services of the workman by oral order dated 31-3-97 is unjust, illegal, violative of principles of natural justice and hence, the Management is directed to reinstate and absorb the workman and grant all incidental and consequential benefits.

17. A counter was filed with the following averments.. That the reference is tenable and contrary to the provisions of Industrial Disputes Act, 1947. It is respectfully submitted that to tide over severe sub-ordinate staff constraints which arose out of leave vacancies, exigencies, etc., and also owning to the restrictions imposed

by the Government of India/Reserve Bank of India on intake of staff, the Respondent bank used to engage sub-ordinate staff like messengers, sweepers, sweeper-cum-water boys, etc., depending on the availability of work on purely temporary basis for the smooth and uninterrupted functioning of the branches. It is submitted that the All India State Bank of India Staff Federation which represents majority of the employees in the State Bank of India comprising about 98% of the work force as its' members espoused the cause of temporary employees who have put in less than 240 days of temporary service in 12 calendar months in the bank and who were ineligible for any protection under Industrial Disputes Act, 1947 to give a chance for being considered for absorption and permanent appointments.

18. Discussions were held and on 17-11-1987 an agreement was signed between the federation and the Management bank under Sec. 2(p) read with sec. 18(1) of the Industrial Disputes Act, 1947 read with Rule 58 of Industrial Disputes (Central) Rules, 1957. A copy of the said settlement dated 17-11-87 which may be hereinafter referred as first settlement is filed and 4 categories were made as it has already been mentioned in the claim statement above, it need not be repeated here. In the first settlement, it was agreed that the temporary employees as categorised would be given a chance for being considered for permanent appointment in the bank's service against the vacancies which are likely to arise during the period 1987 to 1991. On 16-7-88 second settlement was arrived between the Federation and the bank whereby it was agreed to substitute the period of consideration of vacancies as 1987 to 1992 in place of 1987 to 1991 as contemplated under the first settlement dated 17-11-1987. This is the second settlement. A 3rd settlement was entered into on 27-10-88 and it was agreed that the bank's service against the vacancies likely to arise from 1988 to 1992 was to be considered. Government of India vide its letter dated 16-8-90 issued guidelines to all the public sector banks with regard to recruitment and absorption of temporary employees in public sector banks. The said guidelines were issued to implement on the lines of approach paper on the issue provided by a committee constituted in this regard. Government of India guidelines made it clear that all the public sector banks may follow the provisions laid down in the approach paper. The approach paper specified that the cases of temporary service in 12 consecutive months and who are entitled to benefit of Sec. 25F of the Industrial Disputes Act, 1947 may be decided by entering into a settlement with the representative union. In respect of temporary employees who had put in less than 240 days of service in 12 consecutive months or less, a settlement could be avoided and however if the Management so desired they could enter into a conciliation settlement with the representative union. In para 6(h) it is mentioned that only those temporary employees who had put in temporary service of 90 days or more days after 1-1-82 would be eligible for considering under the scheme. Although the Government guidelines envisaged for a settlement in respect of employees who had put in temporary service of 90 days or more days, the bank by way of a further concession entered into settlements even in respect of those who had put in less than 90 days and also the bank went a step further and said those persons who are working after 1975 were also considered. Hence, there was a genuine effort on the part of the Respondent bank to provide as many as possible jobs subject to the availability of the vacancies. However, para 6(k) of the approach paper made it clear that it is a one time exercise in full and final settlement of all the claims and disputes for the past period, in respect of temporary workmen covered by the settlement. Another settlement was entered on 9-1-91 hereinafter referred as 4th settlement. And the time limit was extended upto 1994 and separate panel was prepared for temporary employees, casual/daily wagers. It was agreed that while vacancies arising between 1988 to 1994 in respect of temporary employees and in respect of casual/daily wagers, they can be considered for the vacancies arisihng between 1995-96 only.

19. It is submitted that the administrative set up of the Hyderabad Local Head Office comprises of four Zonal Offices (Zones) at Hyderabad, Vijaywada, Visakhapatnam and Tirupathi covering all the Districts of Andhra Pradesh. In terms of the settlement the Management after following the procedure laid down therein prepared the panels of qualified candidates of temporary employees denoted as 1989 panel and also panel of casual/daily wagers denoted as 1992 panel for giving a chance for being considered for permanent absorption. These panels were prepared zone-wise separately for messengers and non-messengers in the descending order of temporary service put in by the candidates during the stipulated period i.e., 1-7-1975 to 31-7-1988. That the Federation approached the Regional Labour Commissioner (C) for implementation of bi-partite settlement in respect of absorption of temporary employees. The Regional Labour Commissioner (C) conducted conciliation proceedings and an agreement was arrived between the Federation and the bank. It was agreed that it would be kept alive upto March, 1997. A copy of the conciliation proceedings dated 9-2-1995 signed by the parties is filed as material paper. A settlement was arrived at and an agreement was signed between the Federation and the Management bank on 30-7-1996 under Sec. 2(p) read with Sec. 18(1) of the Industrial Disputes (Central) Rules, 1957, which is hereinafter called as 5th settlement. That on 27-2-1997 a Memorandum of understanding was also signed by the Federatoin's affiliate and the bank Management recording the fact that the exercise of identifying the messengerial vacancies as on 31-12-1994 has since been completed by Central Office and thereby 403 messengerial vacancies were sanctioned. It was agreed that these vacancies may be filled from 1989 panel of temporary employees after effecting conversion from full

time non-messengerial staff in the usual manner and the agreement was reached accordingly. It was agreed between the Federation's affiliate and the Management bank that in terms of the settlement dated 30-7-1996 both the panels of temporary employees and daily wagers/casual employees would lapse on 31-3-1997. That as agreed upon vacancies were filled from the panels. The Petitioner who has put in an agreegate temporary service of less than 240 days in a continuous block of 12 months period during 1-7-1975 to 31-7-1988 has no right to seek a direction to consider his candidature for absorption in the Management bank under any rule/law except under the settlement entered into thereon. In fact, the case of the Petitioner can be considered under all the five settlements having got his case considered under provisions of these settlements. All the other provisions and terms of the settlements are also binding on him/her. The Management bank has not violated any of the provisions of the terms of the said settlements. That the very preparation and maintenance of panel is non-compliance of the terms agreed under these settlements. These settlements were time bound and they ceased to exist on 31-3-1997. That the bank has never promised that all the candidates in the panel will be absorbed. In the advertisement itself it was made clear that candidates will be considered for absorption in the vacancies that may arise upto 1992. Keeping alive the panels after 31-3-1997 is contrary to the settlements arrived between the State Bank of India Staff Federation and the Management bank. That the settlements are binding on the parties. The Petitioner is also bound under the terms of the said settlement. The settlement do not suffer from any ambiguity as their language is very clear. The right under the settlements is to give them a chance to be considered for future appointment in the bank's service against the vacancies likely to arise. The settlements were effected to balance the expectations of the temporary employees to be absorbed in permanent service as against the constitutional rights of all eligible perons to be considered for employment every time a vacancy arises. That the alleged dispute including the demand for reinstatement has to be decided in this context. It is submitted that the period expired on 31-3-97 and it is an integral term of the settlement and cannot be modified in any proceedings under the law. These temporary employees who unfortunately could not be accommodated for want of vacancies have no further rights to be considered for regularization. That the Hon'ble High Court in WP No. 12964/94, held as follows, "It is needless to state that the settlement arrived at between the All India State Bank of India Staff Federation which is the majority union and the bank Management is binding on the Petitioners also. It is not at all the case of the Petitioner that any of the terms of settlement has been violated by the bank's Management. If the Petitioner had worked in the bank on part-time basis before 31-5-94, that itself would not vest in him a right to claim that his services should be regularized on permanent basis against a full time cadre post. The claim put forth by the Petitioner in the present petition is therefore, misconceived and not tenable. However, it is open to the Petitioner to claim any right which flows from the settlement between the union and the bank Management. As already pointed out that it is not the grievance of the Petitioner that some right which has flown from the settlement in favour of the Petitioner has been denied by the bank Management. Therefore, I do not find any ground, let alone substantial ground, to grant the kind of relief sought for by the Petitioner. Writ Petition fails and is accordingly dismissed. No costs."

20. If the panels were not lapsed at the end of designated period and allowed to be continued it would result in making the contracts of temporary employment indirectly permanent through back door entry, which would not only be contrary to the settlements but also to Articles 14 and 16 of Constitution of India and deprive the chances of original claimants who would come through proper recruitment procedure. As their rights have been crystallized by operation of the settlements. Hence, there is no question of any legitimate expectation being violated.

21. Similarly placed ex-employes filed WOP No. 9206/1995 and the batch before the Hon'ble High Court of A.P. and the learned Single Judge allowed the Writ Petitions. Agrrieved by the same WA No. 86/98 and the batch was filed and the Division Bench set aside the order of the Single Judge. Thereafter the ex-temporary employees filed Special Leave Petition No. 11886-11888 of 1998 before the Hon'ble Supreme Court of India. The Hon'ble Supreme Court of India also dismissed the SLP. Therefore reference to the Judgement of the Learned Single Judge in WP No. 9206/97 is of no consequences as the same has already been set aside. The observatrions made in the Judgements cannot be relied upon for any purpose whatsoever. The question of operation of Sec. 25F would not come into play. Further the issue is covered by various Judgements of Hon'ble Supreme Court of India and various Hon'ble High Courts. Hence, the reference may be ordered that the Petitioner is not entitled for any relief.

22. The Petitioner examined himself as WW1 and deposed to the facts as stated in the petition. He further deposed that he worked for 93 days but he was given certificate only for 55 days before interview. That he worked between 1988-97 for 843 days. That as per the norms he also fits in category B and he speaks about the settlements and he further deposed that on 18-11-93, 800 contract labourers were made permanent by the bank. By then, their existing panels were still not completed. That till date the bank is still continuing with some persons who are from the panel by making pick and choose method and it is also claimed by Assistant Labour Commissioner (C) that some of these employees are still working. In Ex. W 10 itself it was mentioned that still temporary employees were continuing against permanent vacancies and sweepers were not being appointed on regular basis, canteen employees

were being used for messengerial work, ex-temporary workers are still being used for performing messengerial work.

23. In the cross examination he deposed that the Branch Manager, Local Head Office branch, State Bank of India, was known to his father who was a Mali in the Bank. After introducing him to the Branch Manager he requested him for providing work to the Petitioner as a temporary messenger. Accordingly, he was given appointment as messenger on temporary basis in 1988 for 55 days and later he had worked as messenger on temporary basis now and then. He was not sponsored by any employment exchange. That he used to work depending on the availability of work in the branch. That he applied for appointment as messenger in response to the advertisement issued by the bank in the year 1991. He was called for interview and his name was included in the panel of temporary messengers in the year 1992. Some of the temporary employees whose names were included in the panel were given regular appointment in the bank in order of their seniority in the panel. That he is not having any documents to show that any person who worked for less number of days was given appointment in the bank. He did not work for 240 days in any year in his entire service. That he appeared for interview as per the settlements and the settlements expired on 31-3-97.

24. The Chief Manager (Per & HRD), Sri A. Rama Rao deposed to the facts as stated in the counter, as MW1 and also he speaks about the Hon'ble High Court of A.P., Judgement, the appeal to the Hon'ble High Court and the SLP. In the cross-examination he deposed that the settlements and empanelments were for absorption and added that those who could not be absorbed were terminated. He denied that all should have been adsorbed. He agreed that no notice or pay in lieu there off was given. That all these Petitioners were asked not to come. He denied that there are still number of vacancies. He does not know whether Mr. M. Lingam, claimant in ID No. 236/2001 working in Barkatpura branch and Mr. Ravi Kanth in ID No. 59/2001 working in Parishram Bhavan branch.

25. Various Advocates have argued in various batches for Petitioners, Mr. Prasada Rao, Mr. Prabhakar, Mr. Vikass etc. It is argued by Mr. Prabhakar on behalf of Sri S. Ramachandra Rao, Advocate that these Petitioners worked for several years with artificial periodical breaks and they were given hope saying that their cases will be considered for absorption in the services of the Respondent by way of settlements. Instead they were removed from service by oral orders w.e.f. 31-3-1997 on the ground that there were no vacancies to accommodate the claimants, while engaging third parties on temporary basis, apart from re-engaging some of the claimants on temporary basis as messengers/non-messengers. The said action of the Respondent is high-handed, unilateral, arbitrary and colourable exercise of power apart from being amounts to unfair labour practice. It is an admitted case of the Respondent that it has 805 branches all over the State whereas the Respondent has 827 branches. That it consists of four modules. Hyderbad. Vijayawada, Visakhapatnam and Tirupathi. That the counsel is appearing for 100 clamiants for Hyderabad module. Like wise they are appearing for several other candidates in other modules also for which he is appearing. All these clamiants were taken into service in view of the need in the respective branches prior to 1988 as per the instructions of the Central Office and Local Head Office. In order to settle the issue of temporary employees and to streamline the same these settlements were entered into in pursuance of the decision taken by the Respondent to give a chance for aborption. There are five settlements, one Memorandum of Understanding, one conciliation procedings and the impugned proceedings of oral termination. One example may be taken of a Petitioner in ID 58/2000 which was renumbered as ID 77/2002 filed by Mr. V. Maddileti who worked both in messenger cadre and non-messenger cadre from 1987 to 1997 for 1370 days. The break-up figures are certified by the bank that he worked for 78 days before 1988, which is evident from the certificate issued by the bank. He belongs to SC community. He has passed 9th class, through the qualification for the post of messenger is 8th class. That the Petitioner was selected and empanelled by the Respondent in pursuance of the settlements they were made to work with artificial breaks. Though they were empanelled and given a hope that their cases will be considered for absorption. The same was not considered. On the other hand their services were orally terminated on 31-3-1997 asking them not to attend duties from 1-4-97. Then he mentioned about the 5 settlements entered into between the bank and in the last settlement it is specifically mentioned that the non-messengerial posts shall be filled in before 31-3-1997 before the empanelled list is allowed to lapse. The Government of India had issued a circular dated 16-8-90 wherein it is specfically stated that the concerned authorities have to follow the procedure in the approach paper for regularization who are on the rolls of the bank. Until the problem of existing temporary employees is fully resolved, no bank will be permitted to make any temporary appointments. Inspite of the clear cut instructions the authorities did not settle the issue of temporary employees before passing impugned oral orders on the hand, they are engaging third parties and some of the claimants are list working on temporary basis. In fact he has given the list of atleast 46 candidates who are before this Court still working in Hyderabad module, Vijayawada module there are as many as 26 candidates working, in Triupathi module 43 are working, even in Visakhapatnam module four are working. Before the 5th settlement take place there was a conciliation proceeding wherein it was specifically agreed, "as regards for filling of messengers posts as already been ordered, the remainder number will be filled before 31-3-1996 and 31-3-1997 on the basis of an

understanding that may be reached after ascertaining correct procedure with regard to the number of messenger posts to be cerated in items of settlement. Another joint committee will be constituted to review existing norms and reach a fresh settlement which will come into effect from 1-4-1997." And having agreed that coolly dispensed them by oral order on 31-3-1997. The question that there are no vacancies is false. In fact, there are number of vacancies in all, the branches numbering to 827. Accordingly, new persons were engaged by the Respondent apart from engagiang some of claimants in the batch of eases on temporary basis after 1-4-1997. In order to show that there are vacancies circular dated 22-11-2002 is filed which says that there are 241 anticipatory vacancies which also says that new candidates were engaged on temporary basis. Sample copies of procedings of the bank which show that some of the claimants were re-engaged after 1-4-97 is also submitted with a separate statement who were engaged after their oral termination and who are continuing till today. In fact, instead of entering into a fresh agreement as settled before the conciliation officer they have simply dismissed which is against all cannons of justice. The above arguments were made by Sri S. Rama Chandra Rao, Sr. Advocate and further more arguments have been advanced by him and several Judgements were cited which will be dealt in due course.

26. Sri S. Prasada Rao, Advocate argued that the Industrial Disputes Act, 1947 is a boon to the industrial development which aims at (a) Investigation and settlement of Industrial Dsiputes, (b) to keep social justice as a main criteria, (c) Progress of Industry and (d) Harmony and cordial relations. He submits that in the case of management of Hotel Imperial, New Delhi and others Vs. Hotel Workers Union, Air 1959 Supreme Court page 1342, it was held that, "Industrial Tribunal would have jurisdiction to grant interim relief also." The applicants are employees of the State Bank of India and they have worked for a period which is noted in the list of cases which are pending before this Court. That the ultimate object of Industrial Adjudication has been received by all as one of revolutionary import which admits its task not no purely theoretical, abstract, academic grounds adhearing to any dogmas, or applying asbtract principles mechanically or under any sub-consciousness pressures preconecived notions, theories or 'isms' but since to evolve working principles for resolving industrial conflict adjusting rival claims of employers and employees in a fair and just manner. The interest of proper judicial enquiry including the collection, collation and analysis of relevant facts. Therefore, it becomes highly significant in industrial matters. The Supreme Court right from Bharath banks case 1950 Supreme Court page 188 down to the latest Airports Authority case or to that matter Steel Authority of India case 2001 have laid down the importance of the ignorance of the working class and important of their rights restating principles of social justice. The present trend of Labour Courts and Industrial Tribunals are interests of not only employers and employees *qua* each other but also interests are to wedded that they cannot be separated in all contests and situations the emphasis that labour is not a commodity but a conscious living individual with aspirations to survive in this world. As observed by Justice Issac in Federated School Teachers Association of Australia Vs. State of Australia which was also quoted in the State of Bombay Vs. Hospital Mazdoor Sabha case "in dealing with industrial disputes industrial adjudication must be conversant with the current knowledge on the subject they should not ignore the constant currents of life around them for otherwise it would introduce a serious infirmity in . . . ".

27. He also argued that the Constitution of India wisely engrafted the fundamental rights and Directive Principles for democratic way of life for everyone in Bharat Republic. The poor workmen and common men can secure and realize economic and social freedom only through right to work and right to adequate means of livehood in just and humane conditions of work, to living wage, a decent standard of life, education and leisure. Article 43(A) 43 Constitution Amendment Act, 1976 enjoins upon the State to secure by suitable legislation or in any other way the participation of workers in the Management of undertakings, establishments or other organizations engaged in any industry. He further argues that the judicial function of a court therefore, in interpreting the constitutions and the provisions of the Industrial Disputes Act, 1947 requires to build up continuity of socio, economic empowerment to the poor to sustain equality of opportunity and status and the Law should constantly meet the needs and aspirations of the society in establishing the egalitarian social order. Therefore, the concepts engrafted in the Statute require interpretation from that perspectives, without doing violance to the language. Then he further argues and reiterates the facts of the settlements which need not be repeated here. He further argues that the Memorandum of Understanding is not correct, because the last settlement does not provide for lapsing of the empanelled candidates, the bank is obliged for implementation of the empanelled candidates and not for lapsing the panels. That in the case of all the applicants with respect to whom that the principles of fair play, equity and consciousness and justice is required. The workers have fundamental right to live under Article 14, 15 and 16 which can neither waived not taken away. Since many of the applicants are jobless and have worked for longer periods, upto 18 years, they cannot be deprived of their livelihood and their family lives cannot be shattered. That the State bank of India is not exempted from the Act i.e., A.P. Shows & Establsihments Act. Sec. 2A(2) is therefore applicable to these Petitioners. These arguments need not be repeated here in view of the Judgement of U. Chinnappa Vs. Steel Authority of India in .... He submits that it was legitimate expectation of

these employees. No doubt, one may not have a right but Courts have recognized that in such cases like these cases a legitimate expectation was created by the bank by taking services of some of the candidates right from 1975 and we are now in 2005. Is it not correct that to presume that by entering into several settlements and agreeing before the conciliation officer that a further settlement may be entered into after 31-3-97 all of a sudden a Memorandum of Understanding is entered into and thousands of pepole are given a good-bye. All their hopes and legitimate expectations were shattered. That about 35000 candidates were interviewed and only 3500 were selected. It is also estimated that vacancies from 1989 till today there will be more than 4000 vacancies in all the 4 modules and even though all these applicants are considered, they will fall short of total vacancies.

28. The Learned Counsel for the Petitioners Mr. Vikaas, Advocate submits and practically repeats the arguments advanced by the other advocates. He further submits that in short, State bank of India has committed the following illegalities: 1. unfair labour practice, vitiated by clourable exercise of power, 2. impugned oral orders of termination without authority on 31-3-97, 3. the exercise of the said power is violative of article 14 and Sec. 19(2) of the Industrial Disputes Act, 1947, 4. the purpose of entering into settlement was for absorption and it is not as if it is a back door entry, it was through advertisements and after interviewed more than 30000 candidates they have selected 3500 candidates and by entering into various settlements they have created legitimate expectations of absorption to these poor workmen who have been running around since 1975. the order not to engage is a non-speaking order. Further several of these persons although were terminated are still working, if there is no work how these persons are working? The argument that due to computerization lesser staff is required does not hold good because the work of attenders could only be done by reobots which have not yet come in India,hence, waterboys, sweepers for odd work, still the services of the attenders are required. Those who were made to understand from years together that they will be absorbed cannot be just thrown out and after all the so called memorandum of Understanding is to defeat the purpose of settlements wherein the effected parties are not even consulted and hence oppose to the public policy and hit by Sec. 23 of the Contract Act.

29. I now refer to the case cited by various Advocates . The following citations are cited by Sri S. Ramachandra Rao. AIR 1991 Supreme Court page 101 wherein a full bench of the Hon'blé Supreme Court was dealing about removal of a permanent employee without assigning any reason, their Lordships held, is arbitrary, unfair, unjust and unreasonable and opposed to public policy. He also relied on AIR 1986 Supreme Court page 1571, this dealt with the rule *empowering the Government corporation to terminate services of its permanant employees by giving notice or pay in lieu of notice period opposed to public policy and violative of Article 14, 39(a) and 41. He also relies on AIR 1992 Supreme Court page 248, their Lordships held, that an agreement can be challenged that it is a nullity being opposed to public policy and it can be raised even by a person who had earlier consented to the agreement. They further held that the illegal contract, cannot constitute and effect and accord satisfaction. He also relied on AIR 1980 Supreme Court page 2181 wherein his Lordships held that, "We have, no doubt that the precedents on the point, the principles of industrial law, the constitutional sympathy of Part IV and the sound rules of statutory construction converge to the same point that when a notice intimating termination of an award or settlement is issued the legal import is merely that the stage is set for fresh negotiations or industrial adjudication and until either effort ripens into a fresh set of conditions of service the previous award or settlement does regulate the relations between the employer and the employees." He also relied on 1999(5) ALD 1992 (D.B). General Manager, State bank of Hyderabad and another vs. P. Ramulu, wherein their Lordships referred to the circular of the Government of India to all public sector banks which laid down in the approach paper in the recruitment as well as in absorption of temporary employees as follows: "For the staff which is presently on the rolls of the Banks their services will be regularized in terms of the Approach papers. For the current requirement banks may utilize their existing panel of temporary employees and in case these employees were not taken from the employment exchanges the banks would be required to approach the DGE & T directly seeking exemption. Until the problem of existing temporary employees is fully resolved no bank will be permitted to make any temporary appointments." In that case para 6, all employees who had put in 90 or more days after the cut off date i.e., 1-1-1982 will only be eligible for confsidering the scheme. The Respondent in the Writ Petition has put in more than 90 days before th said cut off date. The Lordships held that as per the scheme one time opportunity each a person who had completed 90 days of temporary service as on 1-1-1982 and also after 1-1-1982 shall be regularized by empanelling him for the post. He also referred to Supreme Court employees Welfare Association Vs. Union of India wherein it was held, that it is well settled principle of law that when a special leave petition is summarily dismissed under article 136 of the Constitution, by such dismissal this Court does not lay down any law as envisaged by article 141 of the Constitution. He also relied on 1997 (6) Supreme Court cases page 564, which is to the same effect. he also relied on 2003(4) Supreme Court cases page 325 wherein their Lordships held, it well settled law that in case where SLP is dismissed without assigning any reason that order would not constitute a binding precedent. He also relied*

on 2003 Supreme Court cases page 231 which reiterate the same. He also relied on AIR 2002 Supreme Court case 3088 wherein their Lordships held, "the High Court and all other courts in the country were no doubt ordained to follow and apply the law declared by this court, but that does not absolve them of the obligation and resonsibility to find out the ratio of the decision and ascertain the law, if any, so declared from a careful reading of decision concerned and only thereafter proceed to apply appropriately." He also relied on 2003(7) Supreme Court cases page 197 wherein it was held, "Therefore, while applying the decision to a later case, the court dealing with it should carefullyt try to ascertain the principle laid down by the previous decision. A decision often takes its colours from the question involved in the casein which it is rendered. The scope and authority of a precedent should never be expanded unnecessarily beyond the needs of a given situation. The only thing binding as an authority upon a subsequent *Judge is the principle upon which the case was decided Statement which are not part of the ratio decidendi are distinguished as obiter dicta and are not authoritative. The task of finding the principle is fraught with difficulty as without an investigation into the facts, it cannot be assumed whether a similar direction must or ought to be made as a measure of social justice. Precedents sub silentio and without argument are of no moment. Mere casual expressions carry no weight at all nor every passing expression of a Judge, however eminent, can be treated as an ex cathedra statement having the weight of authority." He also relies on the Judgment of the Hon'ble Supreme Court in 1993 Supplementary IV Supreme Court cases 46 Naseem Bano Vs. state of U.P. and Others, wherein their Lordships held. "Since no dispute was raised on behalf of respondents 1 to 4 in their reply to averments made by the appellant in the Writ Petition that 40 per cent of the total number of posts had not been filled by promotion, in as much as the said averments had not been controverted, the High Court should have proceeded on the basis that the 'said averments had been admitted by respondents." He therefore, submits that the Petitoners have alleged in the petition that there were about 1500 vacancies and it has not been controverted, hence, this Court should presume that the said averments about vacancies has been admitted by the bank.*

30. He also relies on LLJ 2004 February page 227, wherein it was held, "the Respondent was working as a part time sweeper in the organization of the Petitioner. After fifteen years of service, the Respondent was terminated from service without any notice or pay in lieu thereof. The Labour Court held that a part-time employee also falls within the definition of workman under Section 2(s) of the Industrial Disputes Act, 1947. Therefore, awarded reinstatement with continuity of service and full back wages. The High Court also retreated the findings of the Labour Court and stated that as long as the ingredients of Sec. 2(s) are present it is immaterial whether the employee has been appointed as a regular, permanent/temporary or daily wages, casual or part-time." He also relied on LLJ 1995(I) LLJ page 323 wherein the High Court upheld the findings of the Labour Court that the bus driver on an average worked for 20 days in a month but was paid wages for one month. Average working hours 10 to 12 hours and no overtime wages paid. Finding of the Industrial Tribunal that workman has worked 240 days in a calendar year is legal and proper." He also relied on 1995 Supplementary (4) Supreme Court cases page 11 where their Lordship directed regularization of services of the Petitioners who had worked for three years including the break till today, shall not be terminated and shall be absorbed in regular vacancies as and when they arise. He also relied on 1991 supplementary (2) SCC page 363 wherein it was held, the change of service rules cannot be made in the prejudice of an employee who was in service prior to the change. He also relied on 1986 Supreme Court page 954 wherein it was held. "such a settlement arrived at by agreement between the employer and workmen otherwise then in the course of conciliation proceedings is binding only on the parties to the agreement as provided in Sec. 18(1)" of the Industrial Disputes Act, 1947. Such a settlement is not binding on the other workmen any who are not parties in the settlement." He also relied on 1993 (1) SCC page 71 wherein their Lordships considered about legitimate expectations and held as follows : "In contractual sphere as in all other State actions, the State and all its instrumentalities have to conform to Article 14 of the Constitution of which non-arbitrariness is a significant fact. There is no unfettered discretion in public law : A public authority possesses powers only to use them for public good. This imposes the duty to act fairly and to adopt a procedure which is 'fairplay in action'. Due observance of this obligation as a part of good administration raises a reasonable or legitimate expectation in every citizen to be treated fairly in his interaction with the State and its instrumentalities, with this element forming a necessary component of the decision-making process in all State actions. To satisfy this requirement of non-arbitrariness in a State action, it is, therefore, necessary to consider and give due weight to the reasonable or legitimate expectations of the persons likely to be affected by the decision or else that unfairness in the exercise of the power may amount to an abuse or excess of power apart from affecting the bonafides of the decision in a given case. The decision so made would be exposed to challenge on the ground of arbitrariness. Rule of law does not completely eliminate discretion in the exercise of power, as it is unrealistic, but provides for control of its exercise by judicial review. [Para 8 page 91]"

He also relied on the full bench decision of the Hon'ble Supreme Court in 1992 (4) Supreme Court cases page 118, wherein their Lordships held if for any reason, an

adhoc or temporary employee is continued for a fairly long spell the authorities must consider his case for regularization provided he is eligible and qualified according to the rules and his service record is satisfactory and his appointment does not run counter to the reservation policy of the State. He also relied on 2001 (1) LLJ wherein their Lordships held that, "so far as the work-charged employees and casual labour are concerned, the effort must be to regularize them as far as possible and as early as possible subject to their fulfilling the qualifications, if any, prescribed for the post and subject also to availability of work. If a casual labourer is continued for a fairly long spell say two or three years a presumption may arise that there is regular need for his services. In such a situation, it becomes obligatory for the concerned authority to examine the feasibility of his regularization. While doing so, the authorities ought to adopt a positive approach coupled with an empathy for the person." He also relied on Judgment of the High Court of Patna reported in 2003 III LLJ page 904 wherein their Lordships observed, "All said, the claim of such persons who have remained in the employment of the State for long periods, those who have spent the golden period of their lives in the service of the State, those who with the passage of the time have become eligible for appointment elsewhere cannot be ignored altogether." He also relied on 1995 (2) Supreme Court cases page 326 where the full bench of he Supreme Court held, "In situations where even though a person has no enforceable right yet he is affected or likely to be affected the order passed by a public authority the courts have evolved the principle of legitimate expectation. The expression which is said to have originated from the Judgment of Lord Denning in Schmidt Vs. Secy. of State for Home Affairs is now well established in public law. In Attorney General of Hong Kong *Vs.* Ng Yuen Shiu Privy Council applied this principle where expectations were "based upon some statement or undertaking by or on behalf of, the public authority" and observed : "Accordingly 'legitimate expectations in this context are capable of including expectations which go beyond enforceable legal rights, provided they have some reasonable basis. A person may have a legitimate expectation of being treated in a certain way by an administrative authority even though he has no legal right in private law to receive such treatment." He also relied on 1998 (7) Supreme Court cases page 66 wherein their Lordships held, the doctrine of legitimate expectation has it genisis in the field of administrative law. The Government and its Departments, in administrating the affairs of the country, are expected to honour their statements of policy or intention and treat the citizens with full personal consideration without any iota of abuse of discretion. The policy statements cannot be disregarded unfairly or applied selectively. Continuing their Lordships further held, though the doctrine of legitimate expectation is essentially procedural in character and assures fairplay in administrative action, it may, in a given situation, be enforced as a substantive right. The doctrine of legitimate expectation can be invoked if the decision which is challenged in the court has some person aggrived either (a) by altering rights or obligations of that person which are enforceable by or against him in private law; or (b) by depriving him of some benefit or advantage which either (i) he had in the past been permitted by the decision-maker to enjoy and which he can legitimately expect to be permitted to continue to do until there has been communicated to him some rational grounds for withdrawing it on which he has been given an opportunity to comment; or (ii) he has received assurance from the decision-maker that it will not be withdrawn without giving him first an opportunity of advancing reasons for contending that it should not be withdrawn. Indian scenario in the field of legitimate expectation is not different. The question whether the expectation and the claim is reasonable or legitimate, is a question of fact in each case. This question had to be determined not according to the claimants' perception but in larger public interest." He also relied on 1997 7 SCC 592 where in it was held that the selected industries (Respondents) with which the agreements were entered into by the State Government legitimately expect that the renewal clause should be given effect to in usual manner and according to past practice unless there is any special reason not to adhere to such practice. The doctrine of "legitimate expectation" has been judicially recognized by the Supreme Court. The doctrine of "legitimate expectation" operates in the domain of public law and in an appropriate case, constitutes a substantive and enforceable right. He also relied on 1993 3 SCC 259 where in it is held that—the law must therefore be now taken to be well-settled that procedure prescribed for depriving a person of livelihood must meet the challenge of Article 14 and such law would be liable to be tested on the anvil of article 14 and the procedure prescribed by a stature or statutory rule or rules or orders affecting the civil rights or results or result in civil consequences would have to answer the requirement of Article 14. So it must be right, just and fair not arbitrary, fanciful or oppressive. There can be no distinction between a quasi-judicial functin and an administrative function for the purpose of principles of natural justice is calculated to secure justice or to put it negatively, to prevent miscarriage of justice, it is difficult to see why it should be applicable only to quasi-judicial inquiry and not to administrative inquiry. It must logically apply to both. Therefore, fair play in action requires that the procedure adopted must be just, fair and reasonable. The manner of exercise of power and its impact on the rights of the person affected would be in conformity with the principles of natural justice. Article 21 clubes life with liberty, dignity of person with means of livelihood without which the glorious content of dignity of person would be reduced to animal existence. When it is interpreted that the colour and content of procedure established by law must be in conformity with the minimum fairness and processual justice, it would relieve legislative

callousness despising opporunity of being heard and fair opportunities of defence. Article 14 has a pervasive processual potency and versatile quality, equalitarian in its should and allergic to discriminatory dictates. Equality is the antithesis of arbitrariness. It is, thereby, conclusively held by this court that the principles of natural justice are part of Article 14 and the procedure prescribed by law must be just, fair and reasonable. He also relies on AIR 1991 Supreme Court page 101 where in it was observed "the right to life includes right to livelihood. Therefore cannot hand on to the fancies of the individuals in authority. The employment is not a bounty from them nor can it servival be at their murcy. Income is the foundation of many fundamental rights and when work is the sole source of income the right to work becomes as much fundamental. Fundamental rights can ill-afford to be consigned to the limbo of undefined premises and uncertain applications. That will be mockery of them.

Mr. Vikas, appearing for various Petitioner cited various Judgements some of them are 1998 7 SCC page 804 where in the Hon'ble Supreme Court directed that the contingent staff of income tax Department some of them working from 8 years, directions issued to pay such workmen at the rate equivalent to minimum pay in the pay scale of the regularly employed workers and to frame scheme on rational basis for their absorption. He also relied on AIR 1990 Supreme Court page 2228 where in it was held that the Kerala water supply and civil water authority shall immediately regularize the services of public health Department employees as per its resolution dated 30-1-1987 without waiting for the State Government approval. They also directed those who have put in less than one year service age bar may be waved etc. Several more citations he filed about regularisation. He also relied on 1996 I Service Law Reporter Supreme Court of India page 56 where in it was held, workman in the employment in the State of Forest Department for 5 to 6 year and in each year they worked for a period ranging 100 to 330 days, workmen employed under the schemes at hand had been so done. To advance objects having permanent basis failure to regularize them amounts to unfair labour practice and various other judgments and further added to his arguments that by further arguing that these cases are the most fit for regularization as some of them are working from 1975.

Mr. Prasad also relied on 2005 1 LLJ page 89 SBI Vs TN Jaya Ram where in it was held in Writ Appeal held that the learned single judge held that the Petitioner had not worked continuously for a period 30 days. The learned single judge relied on category C of the settlement to arrive at the said conclusion. Their lordships allowed the Writ Appeal on the ground, in view of the fact "that the Petitioner falls short of the required 30 days by 4 days, the Petitioner cannot seek absorption in a permanent capacity in the employment of the bank".

Therefore in conclusion Shri Vikas, Advocate, Shri Prabhakar Rao, advocate on behalf of Shri Ramachandra Rao, Advocate and Shri Prasad, advocate argued vehemently that these are the most fit cases wherein a direction should be given to absorb these Petitioners who have been unceremoniously dismissed on 1-4-1997 and some of them are still continuing and it is not only a question on industrial law but also legitimate expectations created in these Petitioners who worked since more than two decades.

It is argued by the learned Counsel for Respondent Shri BG Ravinder Reddy, Advocate and Smt Lalita Kumari, Advocate that the Hon'ble CGIT-cum-Labour Court is fully empowered to decide the disputes which are pending before it in the LCIDs and ID. That the Petitioners are casual employees who worked at the branches for short periods at the instance of concerned Branch Manager who had no jurisdiction to appoint them. They are not employees of the State Bank of India as their entry into the bank was not as per the selection procedure. The daily wagers/casual workers were not selected by a process through which regular employees were recruited. That the Petitioners were engaged by the concerned branch managers to meet the exigencies of work at intermittent intervals and they cannot be termed as employees of the bank on temporary basis in any identified post or vacancy. That the Petitioners have no statutory right to seek any relief under the provisions of the Industrial Disputes Act. The Petitioners have not put in continuous service of 240 days in a calendar year as required under the Act. It is to be examined whether they stand a chance for absorption as per the settlements. That the Petitioners failed to implead the All India SBI Staff Federation as party to the dispute before this court to seek interpretation of the settlements. As such, the cases are bad for non-joinder of necessary party. That the empanelled candidates are in thousands and the vacancies are less than 100 each year. The SBI has absorbed messengers and Non-messengers totalling to more than 1000. That the Hon'ble Single Judge's Judgment that the settlement are repugnant to Sec. 23 of the Indian Contract Act and the Memorandum of Understanding and the Theory of Legitimate Expectations has no place in the settlements. That in terms of the 5 settlements, the 1989 and 1992 panels were kept alive upto 31st March, 1997 and thereafter they lapsed. Administrative instructions were issued to all branches directing not to engage temporary employees from 1-4-1997 as there were no vacancies. That the question of regularization in any service including any Government service may arise in two contingencies viz., if on any available clear vacancies which are of a long duration appointment are made on adhoc basis or daily wage basis by a competent authority and are continued from time to time and if their services are required by the Bank. In any case, backdoor entries for filling up such vacancies have got to be strictly avoided. There would never arise any occasion for regularizing the appointment of an employee whose initial entry itself is tainted and is in total breach of

the requisite procedure of recruitment and especially when there is no vacancy on which such an initial entry of the candidate could never be effected.

They also relied on several cases, in particular, AIR 1991 page 1612 where in the Hon'ble Supreme Court held that the mere inclusion of a candidates name in the merit list does not confer any right to be selected. Some vacancies remaining unfilled after process of selection finally clsoed—candidate not appointed—no discrimination. They also further held ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection, they do not acquire any right to the post. They also relied on 1997 6 SCC page 584 Syndicate Bank Vs. Sankarpal where in it was held that if a waiting list is for specific period the wait listed candidates do not have any right ones the list lapses. They also relied on 1997 4 SCC 283 Sanjay Vs. Union of India where the Hon'ble Supreme Court held that wait listed candidates have no right for appointment where there are no vacancies. He also relied on AIR 1992 Supreme Court page 2070 where it was held—Stop gap appointees or Temporary appointees do not have any right for continuous or for regularization.

Smt. Lalitha Kumari, advocate for Respondent relied on 2004 Vol. IV SLT page 947 which was a Judgement from Madras High Court where in the Hon'ble Supreme Court held that appointment held in violation of mandatory provisions of statues ignoring minimum education qualification, wholly illegal. Taking recoast to regularization cannot cure such illegality.

But both of them mainly relied on the Judgement of Hon'ble High Court of Orissa in OJC 9093 of 1997 in which it was held that only those casual workers who were in the waiting list of the bank (panels) were eligible to be regularized against the vacancies of the bank. As the select list came to an end on 31-3-1997 are not entitled to get any relief. The Judgement of the Orissa High Court dated 18-9-1998 was confirmed by the Hon'ble Supreme Court on 17-6-1999 in the above case in SLP (CC) 3082/99.

He further argued that even those who have completed 240 days also cannot claim regularization as the very entry was irregular and they got any right it is through the agreements only and 1992 2 LLJ page 52 Supreme Court held that any person who have completed 240 days cannot claim regularization only such grounds. Such regularization is jeopardizes the larger public interests. So they argue even those candidates 240 days also do not stand any chance. And as the Orissa High Court has dealt with these agreement which is an All India agreement and the Hon'ble SC has dismissed the SLP on merits, hence the Petitioners are not entitled for any relief. Accordingly, the Petitions may be dismissed.

As stated in the beginning, these cases have got a chequered history starting from 1975 and now we are in 2005. To sum up the entire facts in a nut shell, the entry of these persons was as casual employees. Seeing the enormity of the situation the SBI and All India SBI staff federation entered into various agreements. The candidates were called for interview and were empanelled. The last agreement was dated 30-7-1996 (Ex. M6) which was to lapse on 31-3-1997. Then there was a Memorandum of understanding dt. 27-2-1997 that the panel of temporary employees, daily wagers and casual employees will lapse on 31-3-1997. There was an conciliation dated 9-6-1995 vide Ex. M5 wherein before the conciliation officer it was agreed that another joint committee will be constituted to review the existing norms and reach fresh settlement which will come into effect from 1-4-97. No such joint committee was constituted nor any fresh settlement came into effect from 1-4-1997. Carrot was dingled before the workers for number of years creating reasonable expectations but instead the bank has in order to avoid future complications gave a good-bye to all the employees on 31-3-1997. Their hopes were further raised by the Judgement of the High Court which held "the Petitioners/employees who were on duty as on 31-3-1997 shall be deem to be on duty and shall be entitled to all the benefits of such a post and they shall be immediately appointed if any posts are available or creating some supernumery posts within 3 months from today failing which the bank shall pay them all the benefits to which they were entitled as on that date, till they are absorbed". Infact the Hon'ble Single Judge stated in the Judgement which I quote "Mr. S Ramachandra Rao, Learned Sr. Counsel appearing for the Petitioners have never controverted such a factual and legal position. Such a dispute in any form existing and even apprehended definitely could be a subject of reference to the board of settlement, to a court for enquiry, to a Labour Court or Industrial Tribunal for adjudication. . . . . ." It is also his apprehension genuinely expressed that driving the Petitioners to such forums for such disputes could be nothing less then pushing the hapless and helpless prey into the greedy and hungry mount of the wild life".

Be that may be so. The above Judgement was set aside by writ appeals by division bench holding that the matter has to be dealt with and settled by the parties under the provisions of the Industrial Disputes Act, 1947 and not by resorting to the writ jurisdiction of this court. Against which a Special Leave Petitions were filed which were dismissed.

The position now is that under the Industrial Disputes Act, 1947 those who have completed 240 days in a year has some right as notice or notice pay and retrenchment compensation. But all of them entered into settlements, no doubt, these persons are not members of the All India State Bank of India Staff Federation. But those who have worked even for 30 days in a calendar year or 70 days in 36 calendar months and various other categories could not have got any rights but for the settlements

entered into by All India State Bank of India Staff Federation and even those who have completed 240 days in a year their rights also got merged due to these settlements. But for the settlements except those who have completed 240 days in a year others do not have any right under the ID Act. And this is a All India problem and unfortunately for the Petitioners the same agreement dated 30-7-1996 marked as Ex. M 6 herein, was discussed by the Orissa High Court in OJC No. 9039 of 1997 (WP) and batch, which was to lapse on 31-3-1997. Where in it was held "the currency of the arrangements made on the basis of the impugned decisions/settlements has come to an end on 31-3-1997. It is pleaded by the Petitioner that the modalities may be followed in future though new norms have not been fixed. We do not think it necessary to go into this hypothetical" questions . . . . . ". Against which SLP was filed in the Hon'ble SC which dismissed saying the SLP is dismissed on merits. In fact, all these references or 2(A)(2) are about their temrination. For example the reference is "Whether the action of the management of State Bank of India, Local Head Office, Hyderabad in terminating the services of Sri P. Anil Kumar. Temporary/Non-Messenger, STATE BANK OF INDIA w.e.f. 31-3-1997 is justified or not? If not, what relief the applicant is entitled?". Actually if they had any grievance that the bank had agreed vide minutes of conciliation proceedings dated 9-6-1995, *vide* Ex. M5, they should have approached conciliation officer raising a dispute that no joint committee was constituted to review the existing norms and reach a fresh settlement which will come into effect from 1-4-1997. As the Hon'ble High Court of Orissa also stated in the end of the Judgement, it goes without saying if the Petitioners feel aggrieved about the norms when communicated, the same can be questioned before the appropriate forum/authority. The reference here is whether termination is justified or not.

I have given serious thoughts as it involves about 700 persons their families and also a human problem although one may feel much by the number of persons involved and the great expectations raised but justice has to be rendered as per law. Therefore in view of the Judgement of the High Court of the Orissa confirmed by the Hon'ble Supreme Court on merits when the SLP was dismissed on merits. I have no option but to hold the termination of services of Sri Anil Kumar and 149 others w.e.f. 31-3-1997 is justified and the Petitioners are not entitled to any relief.

Before parting with the case, I feel it apt to direct the Respondent "which is State under Article 12 of the Constitution of India" to take into consideration the plight of the poor employees who are temporary daily wages/casual labourers and provide them suitable avenues depending upon the vacancy position without going into the technicalities of the expiry of the term of settlement as justice always be tempered with mercy. I was constrained to follow the settled law position, but my conscience prompted me to issue the above directions, which I hope and trust will be honoured by the Respondent bank. While so considering, the age restriction as also sponsoring through Employment Exchange may have to be relaxed on equitable grounds as the above category employees have spent long time with the Respondent with a fond hope of regularization of their services.

As I have to follow the settled law & the position in which I found myself while delivering this award it prompted me to describe the condition of these petitioners as depicted in the poem of Faiz Ahmed Faiz quoted at the beginning of the Award.

Typed by LDC to my dictation, corrected and pronounced by me on this the 17th day of May 2005.

E. ISMAIL, Presiding Officer

Appendix of Evidence

Documents marked for Petitioners

ID 17 of 2001

Witness for Petitioner : WW1 : S/Shri D. Purnachander

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : School Certificate

Ex W2 : Caste Certificate

Ex W3 toW5 are Service Certificates

Ex W6 to W8 are Interview call letters

Ex W9 : is Service Certificate

Ex W10 : is empanel list

Ex W11 to W15 are Service Certificates

ID 17 of 2002

Witness for Petitioner : WW1 : S/Shri R Sunil Kumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : is Service Certificate

Ex W2 : Notification of Bank

Ex W3 : Interview call letter

Ex W4 : Service Certificate

Ex W5 : Appointment letter

Ex W 6 letter from DGM to Branch manager

Ex W7 : Another Appointment letter

Ex W8 : Another Appointment order

Ex W 9 : Service Certificate

Ex W 10 : Service Certificate

Ex W 11 : Bank letter to emp. exchange

Ex W 12 : Bank audit report

ID 18 of 2001

Witness for Petitioner : WW1 : S/Shri S Chandrakala

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Interview call letter

Ex W3 : Empanel list

Ex W4 to W8 are Service Certificate

Ex W9 : is Minutes of the conciliation proceedings

ID 20 of 2001

Witness for Petitioner : WW1 : S/Shri T Shanthi Kumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : is TC

Ex W3 : Caste Certificate

Ex W4 : Residence proof

Ex W5 : Interview call letter

Ex W 6 : Empanel list

Ex W 7 to W11 are Service Certificates

ID 21 of 2001

Witness for Petitioner : WW1 : S/Shri B Dastaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 Interview call letter

Ex W5 : Interview call letter

Ex W 6 : Interview call letter

Ex W 7 Order of empanelment

Ex W 8 : Empanel list

Ex W 9 to W 18 arw Service Certificates

Ex W 19 : is FOÇ of ALCC(C)

ID 22 of 2001

Witness for Petitioner : WW1 : S/Shri. K Devender

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC issued by school

Ex W2 : Residential Certificate

Ex W3 : Caste Certificate

Ex W4 : Appointment letter issued to me

Ex W5 : Service Certificate

Ex W 6 : Appointment letter

Ex W 7 to W 10 are appointment letters

Ex W 11 to 13 are Service Certificates :

Ex W 14 to W 18 are appointment orders

Ex W19 to 21 are letters from bank for me

Ex W 22 & 23 are Service Certificates

Ex W 24 is letter regarding panel workers

Ex W 25 to 29 are appointment letters

Ex W 30 to 32 are Service Certificates

Ex W 33 is bank circular to all branches

ID 23 of 2001

Witness for Petitioner : WW1 : S/Shri M. Rajaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 to W9 are School Certificates

Ex W10 : is Caste Certificate

Ex W11 : is Employment card

Ex W12 to W18 are the receipts

Ex W19 : is resolution of the bank

Ex W 20 : is Appointment order

Ex W 21 is Service Certificate

Ex W 22 is letter of bank

Ex W 23 is Service Certificate

Ex W 24 is Interview call letter

Ex W 25 is letter asking me for original certificates

Ex W 26 to 32 are Service Certificates

Ex W 33 & 34 are bank letters issued to all branches

Ex W 35 is minutes of conciliation proceedings

Ex W 36 is copy of the failure report

I.D. 24 of 2001

Witness for Petitioner : WW1 : S/Shri T. Balaram

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

I.D. 25 of 2001

Witness for Petitioner : WW1 : S/Shri M. Ramulu

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Caste certificate

Ex W2 : Employment card

Ex W3 : Memorandum of marks

Ex W4 : School certificate

Ex W5 : Service Certificate

Ex W6 : Interview call letter

Ex W7 : Empanel list

Ex W8 : Service Certificate

I.D. 26 of 2001

Witness for Petitioner : WW1 : S/Shri M. Madhukar Rao

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Caste Certificate

Ex W2 : TC issued by school

Ex W3 : Appointment order

Ex W4 : Extension order of my services

Ex W5 : Appointment order

Ex W6 : Service Certificate

Ex W7 : Extension order of my services

Ex W8 : Extension order of my services

Ex W9 : Interview call letter

Ex W10 to W13 are Service Certificates

Ex W14 is notice from ALC(C), Hyderabad

Ex W15 to 17 are bank orders

I.D. 27 of 2001

Witness for Petitioner : WW1 : S/Shri C. Yadagiri

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : 7th class marks memo

Ex W2 : TC

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 & W7 are Service Certificates

I.D. 29 of 2002

Witness for Petitioner : WW1 : S/Shri Ch Narsimhulu

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W10 are Service Certificates

Ex W11 is letter of bank to emp. exchange

Wx W12 is circular issued to all branches

I.D. 30 of 2002

Witness for Petitioner : WW1 : S/Shri Narasinga Rao

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W13 are Service Certificates

I.D. 33 of 2002

Witness for Petitioner : WW1 : S/Shri K. Illaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Caste Certificate

Ex W2 : TC issued by school

Ex W3 : Service Certificate

Ex W4 : Service Certificate

Ex W5 : Interview call letter

Ex W6 : Service Certificate

Ex W7 : Service Certificate

Ex W8 : Service Certificate

Ex W9 : Service Certificate

Ex W10 : Service Certificate

Ex W11 : Service Certificate

Ex W12 : High Court order

Ex W13 : Conciliation proceedings

I.D. 43 of 2001

Witness for Petitioner : WW1 : S/Shri N. Madhusudhan

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC issued by School

Ex W2 : Service Certificate

Ex W3 : Interview call letter

Ex W4 to W7 are Service Certificates

I.D. 45 of 2001

Witness for Petitioner : WW1 : S/Shri P. Sriramulu

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate dated 1-12-1980

Ex W2 : TC issued by school

Ex W3 : Memorandum of marks

Ex W4 : Caste certificate

Ex W5 : Character certificate

Ex W6 : Empanel list

Ex W7 : Service Certificate

Ex W8 : Service Certificate

Ex W9 : Service Certificate

Ex W10 : Service Certificate

I.D. 46 of 2001

Witness for Petitioner : WW1 : S/Shri T. Venkataratnam

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Employment card

Ex W2 : Transfer certificate

Ex W3 : Caste certificate

Ex W4 : Study certificate

Ex W5 : Service Certificate

Ex W6 : News paper Notification

Ex W7 : Application to bank Notification

Ex W8 : Introduction letter

Ex W9 : Service Certificate

Ex W10 : Empanel list

Ex W11 to W14 are Service Certificates

Ex W15 is bank circular to all branches

Ex W16 is bank letter to emp. exchange

Ex W17 is reply to National Commission for

Ex W18 & 19 are respondent letters to branches

I.D. 47 of 2001

Witness for Petitioner : WW1 : S/Shri S. Renukadevi

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Empanel list

Ex W6 : Order of selection in interview

Ex W7 : to W9 are Service Certificates

Ex W10 : is copy of cheque

Ex W11 is Service Certificate

I.D. 47 of 2002

Witness for Petitioner : WW1 : S/Shri G Anil Kumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : W1A & W1B are Service Certificates

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 to W22 are Service Certificates

Ex W5 : W23 is bank letter to emp. exchange

Ex W6 : W24 is Bank audit report

I.D. 48 of 2001

Witness for Petitioner : WW1 : S/Shri Md Abdul Sattar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification

Ex W2 : Service Certificate

Ex W3 : Interview call letter

Ex W4 : Appointment letter

Ex W5 to W9 are Service Certificates

Ex W10 : is letter of bank to emp. exchange

Ex W11 : Bank's letter to its all branches

I.D. 48 of 2002

Witness for Petitioner : WW1 : S/Shri N. Shankara rao

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Caste Certificate

Ex W2 : is TC

Ex W3 : Employment exchange card

Ex W4 : Interview call letter

Ex W5 : Service Certificate

Ex W6 : Interview call letter

Ex W7 to W10 are Service Certificates

I.D. 49 of 2001

Witness for Petitioner : WW1 : S/Shri V. Venugopal

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of the bank

Ex W2 : Interview call letter

Ex W3 : Service Certificate

Ex W4 : Service Certificate

Ex W5 : Service Certificate

Ex W6 : Notification of bank to emp. Exchange dt. 8-4-99

Ex W7 : Circular of CGM to all branches of SBI dt 14-7-99

I.D. 49 of 2002

Witness for Petitioner : WW1 : S/Shri V. Omerao

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Service Certificate

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W55 are Service Certificates

Ex W56 is bank letter to emp. exchange

Ex W57 is bank circular to all branches

I.D. 50 of 2001

Witness for Petitioner : WW1 : S/Shri M. Ramesh Kumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Service Certificate

Ex W3 : Call letter for interview

Ex W4 : Appointment order

Ex W5 to W10 are Service Certificates

Ex W11 is bank's letter to emp. exchange

Ex W12 is bank's letter to its all branches

I.D. 51 of 2001

Witness for Petitioner : WW1 : S/Shri Y. Rajender

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Call letter for interview

Ex W4 : Empanel list

Ex W5 : to W8 and W8A are Service Certificates

Ex W9 is bank's letter to emp. exchange

Ex W10 is bank's circular to all branches

I.D. 51 of 2002

Witness for Petitioner : WW1 : S/Shri C.V. Venkateswarlu

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Service Certificate

Ex W3 : Interview letter

Ex W4 : Empanel letter

Ex W5 to W13 are Service Certificates

Ex W14 is notification of bank to emp. exchange

Ex. W15 is bank's audit report

I.D. 52 of 2001

Witness for Petitioner : WW1 : S/Shri B. Ramesh

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Service Certificate

Ex W4 : Service Certificate

Ex W5 : Service Certificate

Ex W9 : Service Certificate

Ex W10 : Service Certificate

Ex W11 : Service Certificate

Ex W12 : Circular of bank to emp. exchange

Ex W13 : Circular of CGM to all branches

I.D. 52 of 2002

Witness for Petitioner : WW1 : S/Shri K. Srinivas

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Service Certificate

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W11 are Service Certificates

Ex W12 is bank letter to emp. exchange

Ex W13 is bank audit report

I.D. 53 of 2001

Witness for Petitioner : WW1 : S/Shri K. Surender

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Empanel list

Ex W4 to W8 are Service Certificates

Ex W9 : is bank letter to emp. exchange

Ex W10 : is bank circular to all branches

I.D. 53 of 2002

Witness for Petitioner : WW1 : S/Shri G. Veerachary

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : is TC

Ex W2 : Service Certificate

Ex W3 : Interview call letter

Ex W4 : Appointment letter

Ex W5 : to W8 are Service Certificate

Ex W9 to W15 are memorandums issued to me

I.D. 54 of 2001

Witness for Petitioner : WW1 : S/Shri S. Padma

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Order of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are service Certificates

Ex W19 is FOC of ALCC(C).

I.D. 54 of 2002

Witness for Petitioner : WW1 : S/Shri GP Narsing Rao

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : & W1A are Service Certificates

Ex W2 : Notification

Ex W3 : Interview call letter

Ex W4 : to W11 are Service Certificates

Ex W12 is bank's letter to emp. exchange

Ex W13 is bank's audit report

I.D. 55 of 2002

Witness for Petitioner : WW1 : S/Shri B Shakunthala

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Service Certificate

Ex W3 : Service certificate

Ex W4 : Notification of bank

Ex W5 : Interview call letter

Ex W6 to W13 are Service Certificates

Ex W14 is bank letter to emp. exchange

Ex W15 is audit report of bank

I.D. 56 of 2001

Witness for Petitioner : WW1 : S/Shri PV Rajeev

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

I.D. 56 of 2002

Witness for Petitioner : WW1 : S/Shri C. Kishore Kumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Marks memo

Ex W2 : is TC

Ex W3 : Service Certificate

Ex W4 : Application for permanent absorption

Ex W5 : Interview call letter

Ex W6 to W19 are Service Certificates

I.D. 57 of 2002

Witness for Petitioner : WW1 : S/Shri M. Nanda Babu

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W11 are Service Certificates

Ex W12 is bank letter to emp. exchange

Ex W13 is bank circular to all branches

I.D. 58 of 2002

Witness for Petitioner : WW1 : S/Shri A. Renuka

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Birth certificate

Ex W2 : Service Certificate dated 19-9-1991

Ex W3 : Interview call letter

Ex W4 : Respondent letter to branch manager

Ex W5 to W7 are appointment memorandums

Ex W8 and W9 are Service Certificate

Ex W10 : is appointment order

Ex W11 & W12 are memorandums

Ex. W13 & W14 are Service Certificate

I.D. 59 of 2002

Witness for Petitioner : WW1 : S/Shri P. Ravi Kanth

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : & W1A are Service Certificates

Ex W2 : Notification of bank

Ex W3 : Call letter for interview

Ex W4 : Empanel letter

Ex W5 : Service Certificate

Ex W6 : Service Certificate

Ex W7 : Service Certificate

Ex W8 : Service Certificate

Ex W9 : Service Certificate

Ex W10 : Bank's letter to Emp. exchange

Ex W11 : Bank's audit report

I.D. 61 of 2002

Witness for Petitioner : WW1 : S/Shri D. Srihari

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Service Certificate

Ex W3 : Interview call letter

Ex W4 : Call letter for recruitment

Ex W5 : Empanel list

Ex W6 to W18 are Service Certificates

Ex W19 is letter to Emp. exchange

Ex W20 : Audit report

I.D. 72 of 2001

Witness for Petitioner : WW1 : S/Shri B. Satyanarayana

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification

Ex W3 : Empanel list

Ex W4 to W10 are Service Certificates

Ex W11 is bank's letter to Emp. exchange

Ex W12 is circular of bank of all branches

I.D. 73 of 2001

Witness for Petitioner : WW1 : S/Shri G. Dhanraj

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : is TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Resp letter for original certificates

Ex W5 : Interview call letter

Ex W6 : Service Certificate

Ex W7 : Service Certificate

Ex W8 : Empanel list

Ex W9 to W14 are Service Certificates

I.D. 74 of 2001

Witness for Petitioner : WW1 : S/Shri P. Seshagiri Rao

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

I.D. 75 of 2001

Witness for Petitioner : WW1 : S/Shri R. Satyanarayana

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC issued by School

Ex W2 : Memorandum of marks

Ex W3 : Service Certificate

Ex W4 : Service Certificate

Ex W5 : is application for employment

Ex W6 : Interview call letter

Ex W7 : Service Certificate

Ex W8 : Empanel list

Ex W9 to W14 are Service Certificates

I.D. 75 of 2002

Witness for Petitioner : WW1 : S/Shri K. Srinivas

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W13 are Service Certificates

Ex W14 is bank's letter to Emp. exchange

Ex W15 is circular issued to all branches

I.D. 76 of 2001

Witness for Petitioner : WW1 : S/Shri R.S. Srinivas

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Appointment letter

Ex W4 to W9 are Service Certificates

Ex W10 is letter to Emp. exchange

Ex W11 is audit report of bank

I.D. 76 of 2002

Witness for Petitioner : WW1 : S/Shri K.B. Narasimha raju

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Empanel list

Ex W4 to W15 are Service Certificates

Ex W16 is bank's letter to Emp. exchange

Ex W17 is bank's circular to all its branches

I.D. 77 of 2001

Witness for Petitioner : WW1 : S/Shri Y. V. Ramana

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Selection letter dt 12-1-93

Ex W4 : Empanel list

Ex W5 to W9 are Service Certificates

Ex W10 :is present casual workers engaged by bank

I.D. 77 of 2002

Witness for Petitioner : WW1 : S/Shri V. Maddileti

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

I.D. 78 of 2001

Witness for Petitioner : WW1 : S/Shri A.N. Sai Kumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Cast Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

I.D. 79 of 2001

Witness for Petitioner : WW1 : S/Shri S. Narasaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

I.D. 80 of 2001

Witness for Petitioner : WW1 : S/Shri S. Ramachandran

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

I.D. 81 of 2001

Witness for Petitioner : WW1 : S/Shri B. Yadagiri

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

I.D. 82 of 2001

Witness for Petitioner : WW1 : S/Shri G. Sathish Kumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C)

I.D. 83 of 2001

Witness for Petitioner : WW1 : S/Shri N. M. Manohar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C)

ID 84 of 2001

Witness for Petitioner : WW1 : S/Shri K. Sakkubai

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Caste certificate

Ex W2 : Application for birth certificate by pet. Mother

Ex W3 : Service Certificate

Ex W4 : Letter from bank for my cast certificate

Ex W5 : Application for permanent appointment

Ex W6 : Letter for original certificates

Ex W7 : Interview call letter

Ex W8 : Service Certificate

Ex W9 : Service Certificate

Ex W10 : Empanel list

Ex W11 to W14 : Service Certificates

Ex W15 & 16 : Applications to bank

Ex W17 is Service Certificate

ID 85 of 2001

Witness for Petitioner : WW1 : S/Shri P. Vinod

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : is Marks memo

Ex W2 : is TC

Ex W3 : Caste Certificate

Ex W4 : Employment card

Ex W5 : Service Certificate

Ex W6 : Application for job

Ex W7 : Interview call letter

Ex W8 : Service Certificate

ID 86 of 2001

Witness for Petitioner : WW1 : S/Shri K. Yadaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Application for employment

Ex W3 : Bank order

Ex W4 : Empanel list

Ex W5 to W9 are Service Certificates

Ex W10 : is bank letter

ID 87 of 2001

Witness for Petitioner : WW1 : S/Shri C Krishna

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : School certificate

Ex W2 : Caste certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Service Certificate

Ex W6 : letter of the respondent bank

Ex W7 : Empanel list

Ex W8 : Service Certificate

Ex W9 : Application for employment

Ex W10 to W12 are Service Certificates

ID 88 of 2002

Witness for Petitioner : WW1 : S/Shri M. Gangadhar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 : Circular of bank to all branches

Ex W6 : Circular of bank to emp. exchange

ID 90 of 2002

Witness for Petitioner : WW1 : S/Shri G. Satyanarayana

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Empanel list

Ex W4 to W7 are Service Certificates

Ex W8 is letter to emp. exchange

Ex W9 is circular of bank to its branches

I.D. 94 of 2001

Witness for Petitioner : WW1 : S/Shri C. Megharaj

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Service Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Service Certificate

Ex W6 : Service Certificate

Ex W7 : Service Certificate

Ex W8 : Service Certificate

Ex W9 : Service Certificate

Ex W10 : Service Certificate

Ex W11 : Notification of bank to emp. exchange

ID 95 of 2001

Witness for Petitioner : WW1 : S/Shri Md. Ghouse

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

ID 96 of 2001

Witness for Petitioner : WW1 : S/Shri BR Saibaba

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Caste certificate

Ex W2 : Xth class Marks memo

Ex W3 : Employment card

Ex W4 : TC

Ex W5 : to W10 are Service Certificates

ID 97 of 2001

Witness for Petitioner : WW1 : S/Shri G Yadaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

ID 97 of 2001

Witness for Petitioner : WW1 : S/Shri M Mallikarjuna Rao

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 : Letter of bank to emp. exchange

Ex W6 : Circular of bank to all branches

ID 98 of 2001

Witness for Petitioner : WW1 : S/Shri P. Subbaraju

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

ID 99 of 2001

Witness for Petitioner : WW1 : S/Shri KRR Pillai

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Study certificate

Ex W2 : Employment card

Ex W3 : to W5 are Service Certificates

Ex W6 is Notification of the bank in the news paper

Ex W7 is empanel list

Ex W8 to 10 are Service Certificates

I.D. 100 of 2001

Witness for Petitioner : WW1 : S/Shri MJ Janardhan

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Employment card

Ex W2 : Service Certificate

Ex W3 : Service Certificate

Ex W4 : Letter of bank for original certificates

Ex W5 : application to bank

Ex W6 : Interview call letter

Ex W7 : Empanel list

Ex W8 : letter of the bank

Ex W9 : telegram from the bank to me

Ex W10 to W14 are Service Certificates

I.D. 109 of 2001

Witness for Petitioner : WW1 : S/Shri G. Raju

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of Bank

Ex W2 : Service Certificate

Ex W3 : Interview Call letter

Ex W4 : Appointment letter

Ex W5 : Service Certificate

Ex W6 : Service Certificate

Ex W7 : Service Certificate

Ex W8 : Service Certificate

Ex W9 : Service Certificate

Ex W10 : Circular of bank to emp. exchange

I.D. 110 of 2001

Witness for Petitioner : WW1 : S/Shri K. Prakash

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Empanel list

Ex W3 : SSC Memo

Ex W4 : Appointment letter

Ex W5 : Service Certificate

Ex W6 : Caste Certificate

I.D. 110 of 2002

Witness for Petitioner : WW1 : S/Shri G. Komaraiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W11 are Service Certificates

Ex W12 is bank letter to emp. exchange

Ex W13 is bank circular to all branches

I.D. 111 of 2002

Witness for Petitioner : WW1 : S/Shri G. Kanakaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification

Ex W2 : Service Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Empanel list

Ex W6 to W9 are Service Certificates

Ex W10 is bank letter to emp. exchange

Ex W11 is audit report of the bank

I.D. 112 of 2002

Witness for Petitioner : WW1 : S/Shri D. Pulia

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of the bank

Ex W2 : Service Certificate

Ex W3 : Service Certificate

Ex W4 : absorption letter

Ex W5 : appointment letter

Ex W6 to W8 are Service Certificates

Ex W9 is bank letter to emp. exchange

Ex W10 is bank audit report

I.D. 113 of 2002

Witness for Petitioner : WW1 : S/Shri S.P. Varun Babu

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

I.D. 114 of 2002

Witness for Petitioner : WW1 : S/Shri E. Srisailam

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Empanel list

Ex W4 : to W7 are Service Certificates

Ex W5 : W8 is bank letter to emp. exchange

Ex W6 to W9 is bank circular to all branches

I.D. 115 of 2002

Witness for Petitioner : WW1 : S/Shri M. Swamy

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W7 are Service Certificates

Ex W8 is bank letter to emp. exchange

Ex W9 is bank circular to all branches

I.D. 118 of 2002

Witness for Petitioner : WW1 : S/Shri D. Gangaram

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification

Ex W2 : Interview call letter

Ex W3 : Empanel list

Ex W4 to W8 are Service Certificates

Ex W9 is bank letter to emp. exchange

Ex W10 is bank circular to all branches

I.D. 125 of 2001

Witness for Petitioner : WW1 : S/Shri J. Aialaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Service Certificate

Ex W4 : Service Certificate

Ex W5 : Service Certificate

Ex W6 : Notification of bank to emp. exchange

Ex W7 : Circular of CGM to all branches

I.D. 126 of 2001

Witness for Petitioner : WW1 : S/Shri B. Anjaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Service Certificate

Ex W3 : Interview call letter

Ex W4 : empanel list

Ex W5 to W8 are Service Certificates

Ex W9 is bank's letter to emp. exchange

Ex W10 is bank's letter to its all branches

I.D. 127 of 2001

Witness for Petitioner : WW1 : S/Shri E. Balaswamy

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : School certificate

Ex W2 : Memorandum of marks

Ex W3 : Caste certificate

Ex W4 : employment card

Ex W5 & W6 are Service Certificates

Ex W7 : Interview call letter

Ex W8 to W11 are Service Certificates

Ex W12 is notice for conciliation by ALC(C)

Ex W13 is minutes of conciliation proceedings

Ex W14 is failure report by ALC(C), Hyderabad

I.D. 128 of 2001

Witness for Petitioner : WW1 : S/Shri P. Shankaraiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Service Certificate

Ex W3 : Interview call letter

Ex W4 : Appointment letter

Ex W5 : Service Certificate

Ex W6 : Service Certificate

Ex W7 : Service Certificate

Ex W8 : Service Certificate

Ex W9 : Service Certificate

Ex W10 : Service Certificate

Ex W11: Service Certificate

Ex W12 : Service Certificate

I.D. 129 of 2001

Witness for Petitioner : WW1 : S/Shri V. Yadagiri

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : empanel list

Ex W5 : to W9 are Service Certificates

Ex W10 is bank letter to emp. exchange

Ex W11 is circular of bank

I.D. 130 of 2001

Witness for Petitioner : WW1 : S/Shri K Narsimhulu

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification

Ex W2 : Interview call letter

Ex W3 : empanel list

Ex W4 : to W7 are Service Certificates

Ex W8 is bank letter to emp. exchange

Ex W9 is bank circular to all branches

I.D. 131 of 2001

Witness for Petitioner : WW1 : S/Shri Pochaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Appointment letter

Ex W4 to W9 are Service Certificates

Ex W10 is bank letter to emp. exchange

Ex W11 is bank circular to all branches

I.D. 132 of 2001

Witness for Petitioner : WW1 : S/Shri G Ramaswamy

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification

Ex W2 : Interview call letter

Ex W3 : appointment letter

Ex W4 to W10 are Service Certificates

I.D. 133 of 2001

Witness for Petitioner : WW1 : S/Shri M Ganga Ram

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : to W5 are school certificates

Ex W2 : W6 is caste certificate

Ex W3 : W7 to W9 are Service Certificates

Ex W10 & W11 are Interview call letters

Ex W12 is Service Certificate

Ex W13 is empanel list

Ex W14 & 15 are letter of the bank

Ex W16 to 26 are Service Certificates

Ex W27 is Failure report of ALC(C)

I.D. 134 of 2001

Witness for Petitioner : WW1 : S/Shri K Yadagiri

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Empanel list

Ex W4 : Service Certificate

Ex W5 : Service Certificate

Ex W6 : Service Certificate

Ex W7 : Bank notification to emp. exchange

Ex W8 : Circular of bank

I.D. 140 of 2001

Witness for Petitioner : WW1 : S/Shri S. Venkateswarlu

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Absorption letter

Ex W4 : to W10 are Service Certificates

Ex W11 is bank letter to emp. exchange

Ex W12 is bank audit report

I.D. 141 of 2002

Witness for Petitioner : WW1 : S/Shri S Muthaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 : Service Certificate

Ex W6 : Service Certificate

Ex W7 : Letter to emp. exchange by bank

Ex W8 : Circular of bank to all branches

I.D. 142 of 2001

Witness for Petitioner : WW1 : S/Shri I Suvarna

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Service Certificate

Ex W4 : Service Certificate

Ex W5 : Service Certificate

Ex W6 : Service Certificate

Ex W7 : Service Certificate

Ex W8 : Service Certificate

Ex W9 : Service Certificate

Ex W10 : Service Certificate

Ex W11 : Notification of bank to emp. exchange

Ex W12 : Circular of bank to all branches

I.D. 142 of 2002

Witness for Petitioner : WW1 : S/Shri D. Redya

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 to W6 are Service Certificates

Ex W7 is bank letter to emp. exchange

Ex W8 is bank circular to all branches

I.D. 143 of 2001

Witness for Petitioner : WW1 : S/Shri YS Rajkumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W7 are Service Certificates

Ex W8 : is bank letter to emp. exchange

Ex W9 : is bank audit report

I.D. 144 of 2001

Witness for Petitioner : WW1 : S/Shri M Sobharani

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate dated 29-8-91

Ex W2 : Interview call letter

Ex W3 to W6 are Service Certificates

Ex W7 is the copy of minutes of conciliation

I.D. 144 of 2002

Witness for Petitioner : WW1 : S/Shri B Shankaraiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Empanel list

Ex W4 : W12 are Service Certificates

Ex W13 is bank letter to emp. exchange

Ex W14 is bank circular to all branches

I.D. 145 of 2002

Witness for Petitioner : WW1 : S/Shri M Narsubai

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : to W6 are Service Certificates

Ex W7 is bank letter to emp. exchange

Ex W8 is bank circular

I.D. 146 of 2001

Witness for Petitioner : WW1 : S/Shri D. Laxminarayana

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 to W5 are appointment orders

Ex W6 to W10 are Service Certificates

I.D. 147 of 2001

Witness for Petitioner : WW1 : S/Shri M Narasimhulu

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : empanel list

Ex W9 : to W18 are Service Certificates

Ex W19 : is FOC of ALCC(C).

I.D. 147 of 2002

Witness for Petitioner : WW1 : S/Shri N Yerranna

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 : Service Certificate

Ex W6 : Service Certificate

Ex W7 : Bank letter to emp. exchange

Ex W8 : bank circular to all branches

I.D. 148 of 2001

Witness for Petitioner : WW1 : S/Shri R Premraj

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Service Certificate

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W18 are Service Certificates

Ex W19 : is School Certificate

Ex W20 is Caste Cerificate

I.D. 148 of 2002

Witness for Petitioner : WW1 : S/Shri M Muthaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Empanel list

Ex W3 to W9 are Service Certificates

Ex W10 is bank letter to emp. exchange

Ex W11 is bank circular to all branches

I.D. 149 of 2001

Witness for Petitioner : WW1 : S/Shri K Tulasi Das

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Service Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Service Certificate

Ex W6 : Bank notification to emp. exchange

Ex W7 : Audit report of bank

I.D. 149 of 2002

Witness for Petitioner : WW1 : S/Shri M Narayana

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCC(C).

I.D. 150 of 2001

Witness for Petitioner : WW1 : S/Shri K Ramanjaneyulu

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Service Certificate

Ex W3 : Service Certificate

Ex W4 : Service Certificate

I.D. 150 of 2002

Witness for Petitioner : WW1 : S/Shri M Suraiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W8 are Service Certificates

Ex W9 is bank's letter to emp. exchange

Ex W10 is bank's circular

I.D. 151 of 2001

Witness for Petitioner : WW1 : S/Shri C Kishor Kumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Date of birth certificate

Ex W2 : Caste certificate

Ex W3 : NCC certificate

Ex W4 : Marks memo

Ex W5 : Hall ticket for Xth class exams

Ex W6 & W7 are Interview call letters

Ex W8 to W12 are Service Certificates

Ex W13 to W20 are Bankers cheques & cr. vouchers

Ex W21 is failure report

Ex W22 is conciliation notice

Ex W23 is minutes of conciliation

Ex W24 is reference

Ex W25 is notice from IT-I, Hyderabad

Ex W26 is another reference

I.D. 151 of 2002

Witness for Petitioner : WW1 : S/Shri Y. Mallesh

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Empanel list

Ex W4 to W9 are Service Certificates

Ex W10 is bank letter to emp. exchange

Ex W11 is bank circular to all branches

I.D. 161 of 2001

Witness for Petitioner : WW1 : S/Shri D Narasimha Swamy

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : VII class pass certificate

Ex W2 : TC issued by school

Ex W3 : Residential certificate

Ex W4 to W6 are Service Certificates

Ex W7 & W8 are Interview call letters

Ex W9 to W19 are Service Certificates

I.D. 162 of 2001

Witness for Petitioner : WW1 : S/Shri MP Levi

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Service Certificate

Ex W3 : Interview call letter

Ex W4 : Service Certificate

Ex W5 : Service Certificate

Ex W6 : Bank letter to emp. exchange

Ex W7 : Bank circular to all branches

I.D. 163 of 2001

Witness for Petitioner : WW1 : S/Shri K Karunakar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Caste certificate

Ex W2 : Residential certificate

Ex W3 : Birth certificate

Ex W4 : Xth class marks memo

Ex W5 : Employment card

Ex W6 : Service Certificate dated 24-3-1997

I.D. 164 of 2001

Witness for Petitioner : WW1 : S/Shri K. Laxmi

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : TC

Ex W2 : Caste Certificate

Ex W3 : Service Certificate

Ex W4 : Interview call letter

Ex W5 : Interview call letter

Ex W6 : Interview call letter

Ex W7 : Orders of empanelment

Ex W8 : Empanel list

Ex W9 to W18 are Service Certificates

Ex W19 is FOC of ALCOO(C).

I.D. 166 of 2001

Witness for Petitioner : WW1 : S/Shri G Lingaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Date of birth certificate

Ex W2 : SSC marks memo

Ex W3 : Residential certificate

Ex W4 : Caste certificate

Ex W5 : Interview call letter

Ex W6 : Absorption letter

Ex W7 : Service Certificate

I.D. 167 of 2001

Witness for Petitioner : WW1 : S/Shri B. Srinivas

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Selection & empanel list

Ex W4 : Empanel list

Ex W5 : Service Certificate

Ex W6 to W9 are Service Certificates

Ex W10 is bank letter to emp. exchange

Ex W11 is bank audit report

I.D. 169 of 2001

Witness for Petitioner : WW1 : S/Shri B. Chandru

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Empanel list

Ex W4 : Service Certificate

Ex W5 : Notification of bank to emp. exchange

Wx. W6 : Audit report of Bank

I.D. 170 of 2001

Witness for Petitioner : WW1 : S/Shri Bala Nagulu

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Appointment letter

Ex W4 to W9 are Service Certificates

Ex W10 is bank letter to emp. exchange

Ex W11 is bank circular to all branches

I.D. 178 of 2001

Witness for Petitioner : WW1 : S/Shri J. Arun Kumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Caste certificate

Ex W2 : TC issued by School

Ex W3 : Service Certificate

Ex W4 : Service Certificate

Ex W5 : letter from respondent for original certificates

Ex W6 : Empanel list

Ex W7 : Service Certificate

Ex W8 to W12 are Service Certificate

Ex. W13 is notice of ALC(C), Hyderabad

I.D. 182 of 2001

Witness for Petitioner : WW1 : S/Shri K Ramulu

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Notification

Ex W2 : Service Certificate

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 : Service Certificate

Ex W6 : Service Certificate

ID 183 of 2001

Witness for Petitioner : WW1 : Shri Gundla Sayanna

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W7 are Service Certificates

Ex W8 is bank letter to emp. exchange

Ex W9 is bank circular to all branches

ID 184 of 2001

Witness for Petitioner : WW1 : Shri P. Kumaraswamy

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Study certificate

Ex W2 & W3 are caste certificates

Ex W4 : Service Certificate

Ex W5 to W8 are Service Certificates

ID 186 of 2001

Witness for Petitioner : WW1 : Shri P. Yadagiri

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Notification

Ex W2 : Interview call letter

Ex W3 : Appointment letter

Ex W4 to W7 are Service Certificates

Ex W8 is bank letter to emp. exchange

Ex W9 is bank circular to all branches

ID 187 of 2001

Witness for Petitioner : WW1 : Shri K. Jayender

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : School certificate

Ex W2 : Caste certificate

Ex W3 : Service Certificate

Ex W4 : Service Certificate

Ex W5 : Empanel list

Ex W6 : Service Certificate

Ex W7 : Service Certificate

ID 188 of 2001

Witness for Petitioner : WW1 : Shri R Anasuya

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 to W7 are Service Certificates

Ex W8 is bank letter to emp. exchange

Ex W9 is bank circular to all branches

ID 189 of 2001

Witness for Petitioner : WW1 : Shri M. Shyam Rao

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Service Certificate

Ex W4 : Service Certificate

Ex W5 : Service Certificate

Ex W6 : Service Certificate

Ex W7 : Service Certificate

Ex W8 : Service Certificate

Ex W9 : Service Certificate

Ex W10 : Service Certificate

Ex W11 : Service Certificate

Ex W12 : SSC Memo

Ex W13 : Transfer Certificate

Ex W14 : Caste Certificate

ID 190 of 2001

Witness for Petitioner : WW1 : Shri Md. Murthuza

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Application of bank

Ex W3 : Empanel list

Ex W4 to W11 are Service Certificates

Ex W12 is bank letter to emp. exchange

Ex W13 is bank circular to all branches

ID 191 of 2001

Witness for Petitioner : WW1 : Shri N. Srinivasa Rao

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W7 are Service Certificates

Ex W8 is bank letter to emp. exchange

Ex W9 is bank circular to all branches

ID 196 of 2002

Witness for Petitioner : WW1 : Shri B Shayam Sundar

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Empanel list

Ex W4 to W 12 are Service Certificates

Ex W13 is bank letter to emp. exchange

Ex W14 is bank circular to all branches

ID 197 of 2002

Witness for Petitioner : WW1 : S/Shri B. Lachaiah

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Interview call letter

Ex W3 : Empanel list

Ex W4 to W7 are Service Certificates

Ex W8 is bank letter to emp. exchange

Ex W9 is bank circular to all branches

ID 198 of 2001

Witness for Petitioner : WW1 : Shri M. Jaganmohan

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Service Certificate

Ex W3 : Empanel list

Ex W4 to W13 are Service Certificates

Ex W14 is bank letter to emp. exchange

Ex W15 is audit report

ID 198 of 2002

Witness for Petitioner : WW1 : Shri V. Seenaiah

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 to W8 are Service Certificates

Ex W9 is letter to emp. exchange

Ex W10 is bank's circular to its branches

ID 199 of 2001

Witness for Petitioner : WW1 : Shri K. Kas

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Appointment letter

Ex W3 : Gist of service record

Ex W4 to W11 are Service Certificates

Ex W12 is empanel list

Ex W13 is Interview call letter

Ex W14 is Transfer Certificate

Ex W15 is Caste Certificate

Ex W16 is bonus Notification

Ex W17 is High Court Order dt 1.1.1998

ID 200 of 2001

Witness for Petitioner : WW1 : Shri E Yellaiah.

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 to W3 are School certificate

Ex W4 & 5 are Caste Certificates

Ex W 6 & 7 are Service Certificates

Ex W8 is application for employment

Ex W9 is Service Certificate

Ex W10 is Interview call letter

Ex W11 is empanel list

Ex W12 to 18 are Service Certificates

ID 201 of 2001

Witness for Petitioner : WW1 : Shri N. Pushpa

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W9 are Service Certificates

Ex W10 is bank letter to emp. exchange

Ex W11 is bank circular to all branches

ID 202 of 2001

Witness for Petitioner : WW1 : Shri T Parshuddaharao

Witness for Respondent : MW1 : Shri Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W13 are Service Certificates

Ex W14 is bank letter to emp. exchange

Ex W15 is bank circular to all branches

ID 203 of 2001

Witness for Petitioner : WW1 : S/Shri O.P. Thakur

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W11 are Service Certificates

Ex W12 is bank letter to emp. exchange

Ex W13 is bank circular to all branches

I.D. 208 of 2002

Witness for Petitioner : WW1 : S/Shri A. Shankar Rao

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Empanel list

I.D. 209 of 2001

Witness for Petitioner : WW1 : S/Shri A. Agaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Empanel list

Ex W4 : Service Certificate

Ex W5 : Notification of bank to emp. exchange

Ex W6 : Circular of CGM to all branches

I.D. 210 of 2001

Witness for Petitioner : WW1 : S/Shri B. Anantha Reddy

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Interview call letter

Ex W3 : to W6 is Service Certificates

Ex W7 is empanel list

Ex W8 to 11 are appointment orders

Ex W12 is letter of IF branch

Ex W13 to 22 are Service Certificates

I.D. 211 of 2001

Witness for Petitioner : WW1 : S/Shri K. Ashok

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Appointment order

Ex W2 : Service Certificate

Ex W3 : Service Certificate

Ex W4 : Application format

Ex W5 : Interview call letter

Ex W6 : Circular of bank to all branches

Ex W7 : Service Certificate

Ex W8 : Service Certificate

Ex W9 : Notification of bank

Ex W10 : Present vacancy position of bank

I.D. 212 of 2001

Witness for Petitioner : WW1 : S/Shri G. Anjaiah

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Service Certificate

Ex W3 : Service Certificate

Ex W4 : Bank's letter to emp. exchange

Ex W5 : Bank's circular to all branches

I.D. 219 of 2002

Witness for Petitioner : WW1 : S/Shri L. Sanjeeva

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Empanel list

I.D. 222 of 2001

Witness for Petitioner : WW1 : S/Shri Anil Kumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of the bank dated 1.5.91

Ex W2 : Interview call letter dt 8.7.92

Ex W3 : Empanel list dt 12.1.93

Ex W4 : Service Certificate

Ex W5 : Service Certificate dt. 5-7-94

Ex W6 : Service Certificate dt. 30-6-94

Ex W7 : Service Certificate dt. 5-5-96

Ex W8 : Service Certificate dt. 3-4-97

Ex W9 : Bank letter to emp. exchange dt 7.4.99

Ex W10 : Audit report of the bank

Ex W11 : Reply submitted by petitioner

Ex W12 : Rejoinder submitted by respondent before ALC(C), Hyderabad

I.D. 223 of 2001

Witness for Petitioner : WW1 : S/Shri B. Sulochana

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification

Ex W2 : Interview call letter

Ex W3 : Empanel list

Ex W4 : Service Certificate

Ex W5 to W10 are Service Certificates

Ex W11 is bank letter to emp. exchange

Ex W12 is bank circular to all branches

I.D. 236 of 2001

Witness for Petitioner : WW1 : S/Shri M. Lingam

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Empanel list

Ex W4 to W17 are Service Certificates

Ex W18 & 19 are head charges

Ex W19A is hharges account slips of charminar

Ex W20 is 37 petty cash vouchers bunch.

I.D. 237 of 2001

Witness for Petitioner : WW1 : S/Shri D. Prasad Rao

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : letter of interview

Ex W3 : Selection & recruitment letter

Ex W4 : Service Certificate

Ex W5 to W12 are Service Certificates

Ex W13 is bank letter to emp. exchange

Ex W14 is Audit report of bank

I.D. 238 of 2001

Witness for Petitioner : WW1 : S/Shri B.R. Prabhakar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 : to W42 are Service Certificate

I.D. 239 of 2001

Witness for Petitioner : WW1 : S/Shri E. Nagaraju

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Memorandum of marks

Ex W2 : Interview call letter

Ex W3 : Service Certificate

Ex W4 to W6 are appointment orders

Ex W7 : Service Certificate

Ex W8 : Service Certificate

Ex W9 : Service Certificate

Ex W10 : Service Certificate

Ex W11 : Service Certificate

Ex W12 : Service Certificate.

I.D. 240 of 2001

Witness for Petitioner : WW1 : S/Shri P. Bharathi

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Notification of bank

Ex W2 : Sponsered letter of emp. exchange

Ex W3 : Interview letter

Ex W4 : to W9 are Service Certificates

Ex W5 : Ex. W10 is Bank Notification to emp. exchange

Ex W6 : Ex W11 is Audit report of bank

I.D. 241 of 2001

Witness for Petitioner : WW1 : S/Shri Y. Nageswarao

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : & W1A are Service Certificates

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W12 are Service Certificates

Ex Ex. W13 is bank letter to emp. exschange

Ex Ex. W14 is circular of bank to all branches

I.D. 242 of 2001

Witness for Petitioner : WW1 : S/Shri A. Gopalyadav

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Empanel list

I.D. 244 of 2001

Witness for Petitioner : WW1 : S/Shri M. Saroopa

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Application to bank

Ex W4 : Interview call letter and empanel list

Ex W5 to W19 are Service Certificates

Ex W20 is another Service Certificate

Ex W21 is bank letter to emp. exchange

Ex W22 is audit report

I.D. 246 of 2001

Witness for Petitioner : WW1 : S/Shri C. Anil Kumar

Witness for Respondent : MW1 : Aluri Rama Rao

Ex W1 : Service Certificate

Ex W2 : Notification of bank

Ex W3 : Interview call letter

Ex W4 : Empanel list

Ex W5 to W9 are Service Certificates

Ex W10 is bank letter to emp. exchange

Ex W11 is bank circular to all branches

Documents marked by Management (in all the 150 cases)

Ex. M1 : Settlement dated 17-11-1987

Ex. M2 : Settlement dated 16-7-1988

Ex. M3 : Settlement dated 27-10-1988

Ex. M4 : Settlement dated 9-1-1991

Ex. M5 : Minutes of Conciliation Proceedings dt. 9-6-1995

Ex. M6 : Settlement dated 30-7-1996

Ex. M7 : Memorandum of Understanding dtd. 27-2-1997

Ex. M8 : Particulars of 1989 Messenger panel

Ex. M9 : Particulars of 1989 Non-Messenger Panel

Ex. M10 : Particulars of 1992 General Attendent Panel

Ex. M11 : Judgement of Hon'ble High Court of A.P. in Writ Appeal No. 86/98 and batch dtd. 1-5-1998

Ex. M12 : Judgement of the Hon'ble Supreme Court of INDIA in SLP 11886-11888/98 dt. 10-8-1998

नई दिल्ली 13 जुलाई, 2005

का.आ. 2639.— कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 1 की उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्द्वारा 01 अगस्त, 2005 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय 4 (44 व 45 धारा के सिवाय जो पहले ही प्रवृत्त हो चुकी है) अध्याय 5 और 6 [धारा 76 की उपधारा (1) और धारा 77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी है] के उपबन्ध केरल राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात् :—

"कण्णूर जिला में तलिपरंबु तालुक के करिवेल्लूर क्षेत्र"

[सं. एस-38013/33/05-एस.एस.-I]

संयुक्ता राय, अवर सचिव

New Delhi the 13th July, 2005

S.O. 2639.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st August, 2005 as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter V and VI [except Sub-section (i) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Kerala, namely :—

"Karivellor in Thaliparambu Taluk in Kannur District."

[F. No. S-38013/33/2005-SS. I]

SANJUKTA RAY, Under Secy.

नई दिल्ली, 14 जुलाई, 2005

का.आ. 2640.—केन्द्रीय सरकार संतुष्ट हो जाने पर कि लोकहित में ऐसा करना अपेक्षित था, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ) के उप-खण्ड (vi) के उपबंधों के अनुसरण में भारत सरकार के श्रम मंत्रालय की अधिसूचना संख्या का.आ. 380 दिनांक 13-1-2005 द्वारा करेंसी नोट प्रेस नासिक रोड, जो कि औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की प्रथम अनुसूची की प्रविष्टि 25 में शामिल है, को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-1-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित किया था;

और केन्द्रीय सरकार की राय है कि लोकहित में उक्त कालावधि को छः मास की और कालावधि के लिए बढ़ाया जाना अपेक्षित है;

अत: अब, औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 2 के खण्ड (ढ) के उप-खण्ड (vi) के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार उक्त उद्योग को उक्त अधिनियम के प्रयोजनों के लिए दिनांक 15-7-2005 से छः मास की कालावधि के लिए लोक उपयोगी सेवा घोषित करती है।

[फा. सं. एस-11017/3/91-आई-आर. (पी.एल.)]

जे. पी. पति, संयुक्त सचिव

New Delhi, the 14th July, 2005

S.O. 2640.—Whereas the Central Government having been satisfied that the public interest so requires that in pursuance of the provisions of sub-clause (vi) of the clause (n) of Section 2 of the Industrial Disputes Act, 1947 (14 of 1947), declared by the Notification of the Government of India in the Ministry of Labour S.O. No. 380 dated 13-1-2005 the service in Currency Note Press, Nashik Road which is covered by item 25 of the First Schedule to the Industrial Disputes Act, 1947 (14 of 1947) to be a public utility service for the purpose of the said Act, for a period of six months from the 15th January, 2005.

And whereas, the Central Government is of opinion that public interest requires the extension of the said period by a further period of six months.

Now, therefore, in exercise of the powers conferred by the proviso to sub-clause (vi) of clause (n) of Section 2 of the Industrial Disputes Act, 1947, the Central Government hereby declares the said industry to be a public utility service for the purposes of the said Act, for a period of six months from the 15th July, 2005.

[F. No. S.-11017/3/91-IR (PL)]

J. P. PATI, Jt. Secy.

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